

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT

The Denver Police Operations Manual (policy manual) is continually undergoing review, and when appropriate, revised.

As changes occur to individual sections, they will be published within this document.



APPROVED BY THE
EXECUTIVE DIRECTOR OF SAFETY
CITY AND COUNTY OF DENVER, COLORADO

TABLE OF CONTENTS

SECTION	TITLE
DIVISION I	OVERVIEW
	TABLE OF CONTENTS
	INTRODUCTION
A	MISSION, VISION, CORE VALUES AND GUIDING PRINCIPLES
B	DEPARTMENT OBJECTIVE
C	ORGANIZATIONAL POLICIES
D	CODE OF ETHICS
E	POLICY AND PROCEDURES
F	ORGANIZATIONAL DEFINITIONS
G	PERSONNEL DEFINITIONS
H	WORDS AND TERMS – DEFINITIONS
I	FORMATTING AND ABBREVIATIONS
DIVISION II	ORGANIZATION
1.00	PERSONNEL - ORGANIZATION
1.01	PERSONNEL - SWORN
1.02	PERSONNEL - CAREER SERVICE
2.00	FUNCTIONAL RESPONSIBILITIES OF BUREAUS, DIVISIONS, DISTRICTS, SECTIONS, AND UNITS
2.01	ACADEMY UNIT
2.02	ADMINISTRATIVE MANAGEMENT DIVISION
2.03	AIRPORT POLICE DIVISION
2.04	AIR SUPPORT UNIT
2.05	BOMB / EXTRADITION UNIT
2.06	BUSINESS ROBBERY UNIT
2.07	CANINE (K-9) UNIT
2.08	CIVIL LIABILITY SECTION
2.09	CITY ENFORCEMENT UNIT
2.10	COLD CASE UNIT
2.11	COMMUNITY RELATIONS SECTION
2.12	CONDUCT REVIEW DIVISION (CRD)
2.13	COURT LIAISON UNIT
2.14	CRIME SCENE UNIT
2.15	CRISIS INTERVENTION RESPONSE UNIT
2.16	CRISIS NEGOTIATION UNIT
2.17	CRISIS SERVICES DIVISION
2.18	DATA ANALYSIS UNIT (DAU)
2.19	DENVER POLICE ACTIVITIES LEAGUE (PAL)
2.20	DENVER POLICE CITIZEN ACADEMY
2.21	DISTRICT STATIONS
2.22	DOMESTIC VIOLENCE / FRAUD SECTION
2.23	DOMESTIC VIOLENCE UNIT
2.24	DUI / DRE ENFORCEMENT UNIT
2.25	EXCISE AND LICENSE UNIT
2.26	EXECUTIVE SECURITY UNIT
2.27	EXPLOSIVE DETECTION CANINE UNIT – SPECIAL OPERATIONS DIVISION
2.28	FINANCIAL SERVICES SECTION
2.29	FIREARMS UNIT – TRAINING DIVISION
2.30	FIREARMS / TOOL MARK UNIT
2.31	FLEET MANAGEMENT SECTION
2.32	FORENSIC BIOLOGY / DNA UNIT
2.33	FORENSIC CHEMISTRY UNIT
2.34	FORENSIC IMAGING UNIT
2.35	FORENSICS AND EVIDENCE DIVISION
2.36	FRAUD UNIT
2.37	FUGITIVE UNIT
2.38	GANG SECTION
2.39	GANG UNIT
2.40	HALO UNIT
2.41	HIGHWAY / HAZARDOUS MATERIALS UNIT
2.42	HOMICIDE UNIT

2.43	IDENTIFICATION SECTION
2.44	IDENTIFICATION UNIT
2.45	INFORMATION DESK UNIT
2.46	INFORMATION MANAGEMENT SECTION
2.47	INTELLIGENCE SECTION
2.48	INTELLIGENCE UNIT
2.49	INTERDICTION UNIT
2.50	INTERNAL AFFAIRS DIVISION (IAD)
2.51	INTERNET PREDATOR UNIT
2.52	INVENTORY CONTROL UNIT
2.53	INVESTIGATIVE SUPPORT DIVISION
2.54	INVESTIGATIVE TECHNOLOGY SECTION
2.55	JUVENILE SECTION
2.56	LATENT FINGERPRINT UNIT
2.57	LEGISLATIVE UNIT
2.58	MAJOR CRIMES DIVISION
2.59	MARIJUANA UNIT
2.60	METRO DENVER CRIME STOPPERS UNIT
2.61	METRO/SWAT SECTION
2.62	MISSING AND EXPLOITED PERSONS (MEP) UNIT
2.63	NEIGHBORHOOD ENFORCEMENT UNIT
2.64	NIGHT SHIFT UNIT
2.65	OFFICE OF THE CHIEF OF POLICE
2.66	OFFICE OF THE DEPUTY CHIEF OF ADMINISTRATION
2.67	OFFICE OF THE DEPUTY CHIEF OF OPERATIONS
2.68	OFFICE OF EMERGENCY MANAGEMENT (OEMHS)
2.69	OPERATIONS SUPPORT DIVISION
2.70	PAWNSHOP / BICYCLE UNIT
2.71	PEER SUPPORT UNIT
2.72	PERFORMANCE DEVELOPMENT UNIT
2.73	PHOTO ENFORCEMENT UNIT
2.74	PIO UNIT
2.75	PLANNING, RESEARCH & SUPPORT SECTION
2.76	POLICE GARAGE UNIT
2.77	POLICE RESERVE UNIT
2.78	POLYGRAPH UNIT
2.79	PROPERTY MANAGEMENT SECTION
2.80	PROSECUTION LIAISON
2.81	PUBLIC AFFAIRS SECTION
2.82	PUBLIC NUISANCE ABATEMENT UNIT
2.83	QUALITY ASSURANCE UNIT
2.84	RECRUITMENT UNIT
2.85	ROAD RAGE UNIT
2.86	ROBBERY / HOMICIDE SECTION
2.87	RECORDS UNIT
2.88	SCHOOL VIOLENCE UNIT
2.89	SECONDARY EMPLOYMENT COORDINATOR
2.90	SERVICE CENTER UNIT
2.91	SEX CRIMES SECTION
2.92	SEX CRIMES UNIT
2.93	SEX OFFENDER REGISTRATION UNIT
2.94	SOCIAL MEDIA COORDINATOR
2.95	SPECIAL EVENTS UNIT
2.96	SPECIAL INVESTIGATIONS SECTION
2.97	SPECIAL OPERATIONS DIVISION
2.98	SWAT UNIT
2.99	TECHNICAL ELECTRONIC SUPPORT UNIT (TESU)
2.100	TELESTAFF COORDINATOR
2.101	TRAFFIC INVESTIGATIONS UNIT (TIU)
2.102	TRAFFIC OPERATIONS SECTION
2.103	TRAINING DIVISION
2.104	VOLUNTEER UNIT
2.105	TV / VIDEO COORDINATOR
2.106	UNIFORMS / STATIONARY SUPPLY UNIT

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT

Div I OVERVIEW

PAGE: 4 OF 21

- 2.107 VICE/NARCOTICS SECTION
- 2.108 VICE/NARCOTICS TASK FORCE SECTION
- 2.109 VICE UNIT
- 2.110 VICTIM ASSISTANCE UNIT

DIVISION III DUTIES AND RESPONSIBILITIES OF DEPARTMENT PERSONNEL

- 3.00 GENERAL DUTIES AND RESPONSIBILITIES OF ALL SWORN PERSONNEL**
- 4.00 GENERAL DUTIES AND RESPONSIBILITIES OF SUPERVISORY OFFICERS**
- 5.00 GENERAL DUTIES AND RESPONSIBILITIES OF COMMAND OFFICERS**
- 6.00 GENERAL DUTIES AND RESPONSIBILITIES OF PATROL OFFICERS**
- 7.00 DUTIES AND RESPONSIBILITIES OF TECHNICIANS**
- 8.00 DUTIES AND RESPONSIBILITIES OF CORPORALS**
- 9.00 DUTIES AND RESPONSIBILITIES OF DETECTIVES**
- 10.00 DUTIES AND RESPONSIBILITIES OF SERGEANTS**
- 11.00 DUTIES AND RESPONSIBILITIES OF LIEUTENANTS**
- 12.00 DUTIES AND RESPONSIBILITIES OF CAPTAINS OR CAREER SERVICE MANAGERS**
- 13.00 DUTIES AND RESPONSIBILITIES OF COMMANDERS AND CAREER SERVICE DIRECTORS**
- 14.00 DUTIES AND RESPONSIBILITIES OF DEPUTY CHIEFS**
- 15.00 DUTIES AND RESPONSIBILITIES OF THE CHIEF OF POLICE**
- 16.00 DUTIES AND RESPONSIBILITIES OF POLICE RESERVE OFFICERS**
- 17.00 DUTIES AND RESPONSIBILITIES OF CIVILIAN REPORT TECHNICIANS**

DIVISION IV PROCEDURES

100.00 PATROL DIVISION AND GENERAL PROCEDURES

101.00 GENERAL PHILOSOPHY

- 101.01 DECISION MAKING MODEL
- 101.02 DE-ESCALATION

102.00 RADIO COMMUNICATIONS

- 102.01 GENERAL GUIDELINES
- 102.02 DUTY REQUIREMENTS
- 102.03 REQUESTING EMERGENCY MEDICAL SERVICES
- 102.04 ALARMS
- 102.05 USE OF NCIC AND CCIC
- 102.06 VOICE LOGGER SYSTEM
- 102.07 DENVER 911

103.00 COURT

- 103.01 GENERAL GUIDELINES
- 103.02 SUBPOENA (RECEIPT OF)
- 103.03 COURT APPEARANCES
- 103.04 OFFICERS NAMES AS DEFENDANTS IN CIVIL SUITS
- 103.05 JURY DUTY

104.00 ARRESTS

- 104.01 GENERAL ARREST PROCEDURES
 - 104.02 FEMALE SUSPECTS AND PRISONERS
 - 104.03 GENERAL SESSION SUMMONS AND COMPLAINT, DPD 287
 - 104.04 INVESTIGATION AND HOLD ARRESTS
 - 104.05 CHANGING CHARGES
 - 104.07 CITY ORDINANCE VIOLATIONS COMMITTED OUT OF THE OFFICER'S PRESENCE OR BY A SUSPECT NO LONGER AT THE SCENE
 - 104.08 WARRANTLESS ARRESTS
 - 104.09 CENTRAL WANT AND WARRANT FILES (PERSONS AND PROPERTY)
 - 104.10 ARREST WARRANTS
 - 104.14 ASSISTING PEACE OFFICER
 - 104.18 PROCESSING PICKUPS OR CANCELLATIONS FOR WANTED PERSONS AND/OR PROPERTY
 - 104.20 USE OF DPD 366, STATEMENT
 - 104.21 USE OF DPD 368, LIST OF WITNESSES
 - 104.22 USE OF THE ADVISEMENT, DPD 369
 - 104.23 GENERAL SESSION ORDER-INS TO COURT
 - 104.24 ORDER-IN TO INVESTIGATIVE UNITS
 - 104.25 USING THE CRIMINAL SUMMONS AND COMPLAINT FOR MISDEMEANOR ARRESTS
 - 104.26 ARREST OF POSTAL EMPLOYEES OR PERSONS OPERATING TRAINS OR TRANSIT BUSES
 - 104.27 ARREST FOR TAXI VIOLATIONS
-

- 104.28 ARRESTS AND PROCEDURE ON FEDERAL PROPERTY AND RELATIONS WITH OTHER AGENCIES
 - 104.29 ARRESTS FOR WEAPONS RELATED CHARGES
 - 104.30 PROCESSING PERSONS WITH A SUSPECTED MENTAL/BEHAVIORAL HEALTH CONCERN
 - 104.31 SEX OFFENDER CONTACTS AND PROCESSING
 - 104.32 CIVIL STAND-BY FOR THE RECOVERY OF PERSONAL PROPERTY
 - 104.33 MISDEMEANOR CRIMINAL MISCHIEF AND GRAFFITI RELATED ARRESTS
 - 104.34 EVICTIONS
 - 104.35 ENFORCEMENT OF PROTECTION ORDERS
 - 104.36 AUTO THEFT AND THEFT FROM MOTOR VEHICLE INVESTIGATIONS
 - 104.38 ANIMAL RELATED INCIDENTS
 - 104.39 CONTACTING EMPLOYEES AT PLACE OF EMPLOYMENT
 - 104.40 COLORADO VICTIM RIGHTS STATUTE
 - 104.41 THEFT OF MEALS – GASOLINE
 - 104.42 UTILIZATION OF ARREST TEAMS AT THE SCENE OF NON-VIOLENT DEMONSTRATIONS WHERE UNLAWFUL ACTS ARE COMMITTED
 - 104.43 MASS ARRESTS
 - 104.44 IDENTIFICATION PROCEDURES
 - 104.45 PERSONS HELD FOR COLORADO STATE PAROLE
 - 104.46 NIGHT CLUB OCCUPANCY REGULATIONS – ENFORCEMENT
 - 104.47 ARREST OF BAIL BOND FUGITIVES
 - 104.48 PROTECTIVE CUSTODY
 - 104.49 AT-RISK PERSONS - DISABLED PERSONS - PERSONS WITH DISABILITIES
 - 104.50 DOMESTIC VIOLENCE
 - 104.51 ARRESTS IN LIQUOR LICENSED ESTABLISHMENTS
 - 104.52 ARREST/DETENTION OF FOREIGN NATIONALS
 - 104.53 NUISANCE ABATEMENT
 - 104.55 OPERATIONAL PLANNING
 - 104.56 TACTICAL EVENT DECONFLICTION POLICY
 - 104.59 PERSONS WITH LIMITED ENGLISH PROFICIENCY

 - 105.00 FORCE RELATED POLICIES**
 - 105.01 USE OF FORCE POLICY
 - 105.02 FORCE AND CONTROL OPTIONS
 - 105.03 REPORTING
 - 105.04 SHOOTING BY AND/OR OF POLICE OFFICERS
 - 105.05 USE OF FORCE REVIEW BOARD

 - 106.00 EVIDENCE AND PERSONAL PROPERTY**
 - 106.01 EVIDENCE AND PROPERTY SECTION PROCEDURES
 - 106.02 PERSONAL AND FOUND PROPERTY
 - 106.03 EVIDENCE HANDLING PROCEDURES
 - 106.04 EVIDENCE WITHDRAWAL PROCEDURES
 - 106.05 DISPOSITION OF EVIDENCE
 - 106.06 CRIME SCENE EVIDENCE
 - 106.07 PHOTOGRAPHIC EVIDENCE
 - 106.08 RELEASE OF FIREARMS
 - 106.09 SHIPPING AND RECEIVING EVIDENCE

 - 107.00 SEARCH AND SEIZURE**
 - 107.01 SEARCH WARRANTS
 - 107.02 WARRANTLESS SEARCHES OF MOTOR VEHICLES
 - 107.03 PLAIN VIEW DOCTRINE
 - 107.04 SEARCH AND SEIZURE OF ELECTRONIC RECORDING DEVICES
 - 107.05 NARCOTICS INVESTIGATIONS AND IMMEDIATE ENTRY SEARCH WARRANTS
 - 107.06 RULE 41.1 – COURT ORDER FOR NON-TESTIMONIAL IDENTIFICATION
 - 107.07 WRIT OF HABEAS CORPUS

 - 108.00 EMERGENCY PROCEDURE PLAN**
 - 108.01 EMERGENCY PROCEDURE PLAN
 - 108.02 PROCEDURE FOR IMPLEMENTING EMERGENCY PROCEDURE PLAN
 - 108.03 DENVER INTERNATIONAL AIRPORT (DIA)
 - 108.04 TERMINATING AN EMERGENCY
 - 108.05 APPLICABLE LAWS PERTAINING TO EMERGENCIES
 - 108.06 NOTIFICATIONS
 - 108.07 NATIONAL GUARD EMERGENCY DESIGNATIONS – N-NORA
-

108.08 CROWD MANAGEMENT POLICY

109.00 RECORDS AND REPORTS

109.01 QUALITY REQUIREMENTS
109.02 ELECTRONIC REPORTS AND FORM NUMBER INVENTORY, DESCRIPTION, AND USAGE
109.03 RECORDS AVAILABLE
109.04 AVAILABILITY OF INFORMATION CONTAINED WITHIN DPD CRIMINAL JUSTICE RECORDS
109.05 RECORDS MANAGEMENT
109.06 FRAUD UNIT EVIDENCE AND DOCUMENTATION
109.07 HOMICIDE CASE INVESTIGATION FILES

110.00 PUBLIC RELATIONS

110.01 GENERAL GUIDELINES
110.02 MEDIA RELATIONS
110.03 GUIDELINES FOR RELEASE OF INFORMATION TO THE NEWS MEDIA
110.04 PUBLIC INFORMATION OFFICE
110.05 SPEAKING ENGAGEMENTS AND PUBLICATIONS
110.06 SOCIAL MEDIA

111.00 UNIFORMS AND EQUIPMENT

111.01 UNIFORMS AND EQUIPMENT REQUIREMENTS
111.02 DUTY BELT AND EQUIPMENT
111.03 FIREARMS AND AMMUNITION
111.04 UTILITY WEAPON PROGRAM
111.05 SUPPLEMENTAL UNIFORM AND EQUIPMENT ITEMS
111.06 PERSONAL APPEARANCE – UNIFORM MAINTENANCE
111.07 PROCURING, REPLACEMENT, AND RETURN OF UNIFORMS AND EQUIPMENT
111.08 NON-UNIFORM ATTIRE AND EQUIPMENT
111.09 IDENTIFICATION CARDS

112.00 VEHICLES AND VEHICULAR EQUIPMENT

112.01 DEPARTMENT VEHICLES
112.02 EMERGENCY OPERATION OF DEPARTMENT VEHICLES
112.03 PHOTO RADAR AND PHOTO RED LIGHT (PHOTO ENFORCEMENT) PROCEDURES

113.00 DETENTION AND ESCAPES

113.01 DENVER POLICE DEPARTMENT HOLDING FACILITIES
113.02 DENVER SHERIFF DEPARTMENT DETENTION FACILITIES
113.03 ESCAPES OR ATTEMPTS TO ESCAPE

114.00 EMPLOYMENT OUTSIDE THE POLICE DEPARTMENT

114.01 SECONDARY EMPLOYMENT
114.02 SECONDARY EMPLOYMENT: NON-POLICE WORK
114.03 SECONDARY EMPLOYMENT: POLICE WORK
114.04 DEPARTMENT ADMINISTERED OVERTIME ASSIGNMENTS

115.00 RESERVED

116.00 MISCELLANEOUS PROCEDURES

116.05 BLOODBORNE PATHOGENS AND OTHER BODILY FLUIDS
116.06 RESPONSIBILITY TO PROVIDE MEDICAL ATTENTION
116.07 DISPLAY OF OFFICIAL RESPECT AND SALUTING REQUIREMENTS
116.12 RESPONSIBILITY TO STRANDED PERSONS
116.13 REQUESTS FOR PHOTOS
116.15 USE OF DEPARTMENT TELEPHONES
116.16 HANDLING BARRICADED SUSPECTS AND HOSTAGE SITUATIONS
116.17 POLICING AURARIA CAMPUS
116.19 FUNERAL AND MOURNING PROCEDURES FOR POLICE OFFICERS ON ACTIVE DUTY AT THE TIME OF THEIR DEATH
116.20 FUNERAL PROCEDURES FOR RETIRED MEMBERS OF THE DEPARTMENT
116.22 PRIVATE OR COMMERCIAL AIRCRAFT CRASHES
116.23 MILITARY AIRCRAFT CRASHES
116.25 ASSISTING FIRE DEPARTMENT
116.27 UTILIZATION OF CANINES
116.29 USE OF INFORMANTS

117.00 EMPLOYEE RIGHTS

- 117.01 BILL OF RIGHTS (SWORN OFFICERS ONLY)
- 117.02 ASSIGNMENT OF OFFICERS
- 117.03 POLITICAL ACTIVITIES – LAWS AND RULES AND REGULATIONS
- 117.04 COLLECTIVE BARGAINING AGREEMENT GRIEVANCES
- 117.05 DEPARTMENT OF SAFETY EEO POLICY (SWORN AND CIVILIAN)
- 117.06 PROTECTED INFORMATION (SWORN AND CIVILIAN)
- 117.07 INVESTIGATION GUIDELINES (SWORN AND CIVILIAN)
- 117.08 COMPLAINT OR APPEAL FILED BY CIVILIAN EMPLOYEES

118.00 BIASED POLICING POLICY AND CRIMINAL INTELLIGENCE INFORMATION

- 118.01 POLICY STATEMENT
- 118.02 BIASED POLICING
- 118.03 CRIMINAL INTELLIGENCE INFORMATION

119.00 OPERATIONS TECHNOLOGY

- 119.01 HIGH ACTIVITY LOCATION OBSERVATION (HALO)
- 119.02 ELECTRONIC TRACKING PROGRAM
- 119.03 AUTOMATED LICENSE PLATE READER SYSTEM
- 119.04 BODY WORN CAMERA TECHNOLOGY
- 119.05 MOBILE FINGERPRINT DEVICES
- 119.06 DEPARTMENT COMPUTERS AND COMMUNICATION DEVICES
- 119.07 STARCHASE VEHICLE PURSUIT MANAGEMENT SYSTEM

120.00 TRAINING, PROGRAMS AND SERVICES

- 120.01 CONTINUING EDUCATION PROGRAM
- 120.02 SPECIALIZED TRAINING
- 120.03 DETECTIVE, METRO/SWAT AND K-9 TRAINING PROGRAMS
- 120.04 BILINGUAL OFFICER PROGRAM
- 120.05 NALOXONE PROGRAM
- 120.06 TACTICS REVIEW BOARD
- 120.07 CRISIS INTERVENTION
- 120.08 POLICE HONOR GUARD AND RIFLE TEAM
- 120.09 RESILIENCY PROGRAM
- 120.10 EMPLOYEE ASSISTANCE RESOURCES
- 120.11 POLICE RESERVE UNIT PROGRAM

121.00 ARSON, EXPLOSIVES, AND HAZARDOUS MATERIALS

- 121.01 GENERAL PROCEDURES

200.00 TRAFFIC PROCEDURES

201.00 TRAFFIC MANAGEMENT

- 201.01 GENERAL GUIDELINES
- 201.02 BARRICADES AND TEMPORARY TRAFFIC CONTROL DEVICES
- 201.03 INTERSTATES AND MAJOR HIGHWAYS

202.00 TRAFFIC ENFORCEMENT AND CITATIONS

- 202.01 GENERAL GUIDELINES
- 202.02 UNIFORM TRAFFIC SUMMONS AND COMPLAINT/PENALTY ASSESSMENT NOTICE
- 202.03 RESTRAINT VIOLATIONS
- 202.04 WARNING TICKETS
- 202.05 MISCELLANEOUS VIOLATIONS
- 202.06 DRIVING UNDER THE INFLUENCE
- 202.07 BOOKING FOR TRAFFIC CHARGES
- 202.08 JUVENILES
- 202.09 BICYCLES AND MOPEDS
- 202.10 PEDESTRIAN TRAFFIC VIOLATIONS
- 202.11 PARKING CITATIONS
- 202.12 IMMOBILIZATION DEVICES
- 202.13 VEHICLE REGISTRATION VIOLATIONS
- 202.14 VISIBLE EMISSIONS

203.00 TRAFFIC ACCIDENT INVESTIGATION

- 203.01 INITIAL RESPONSE
- 203.02 STATE OF COLORADO TRAFFIC ACCIDENT REPORT
- 203.03 FATAL AND SERIOUS BODILY INJURY ACCIDENTS
- 203.04 HIT AND RUN ACCIDENT INVESTIGATION
- 203.05 FREEWAY ACCIDENTS
- 203.06 COUNTER REPORTS
- 203.07 ACCIDENTS INVOLVING POLICE EQUIPMENT AND PERSONNEL
- 203.08 ACCIDENT REVIEW / PURSUIT REVIEW
- 203.09 ACCIDENTS INVOLVING FIRE EQUIPMENT, AMBULANCES, AND OTHER CITY VEHICLES
- 203.10 NON-TRAFFIC FATAL AND SERIOUS BODILY INJURY ACCIDENTS

204.00 POLICE PURSUITS

- 204.01 VEHICLE PURSUITS

205.00 IMPOUNDING PROCEDURES

- 205.01 MOTOR VEHICLES
- 205.02 BICYCLES

206.00 HAZARDOUS MATERIALS

- 206.01 GENERAL GUIDELINES

300.00 INVESTIGATIVE PROCEDURES

301.00 CRIMINAL INVESTIGATIONS

- 301.01 CRIME SCENE
- 301.02 INTERVIEW/INTERROGATION OF SUSPECTS AND/OR WITNESSES
- 301.03 MAJOR CRIME EVENT INVESTIGATIONS
- 301.05 SCHOOL VIOLENCE NOTIFICATIONS, INVESTIGATIONS AND FOLLOW-UP PROCEDURES
- 301.06 THIRD DEGREE BURGLARY INVESTIGATION
- 301.08 TELEPHONE CRIMES
- 301.11 BICYCLES TAKEN IN BURGLARIES OR THEFTS
- 301.12 THEFT – SHOPLIFTING AND/OR PRICE SWITCHING
- 301.13 IN-CUSTODY INCIDENT INVESTIGATIONS
- 301.14 INVESTIGATIONS WHERE DEATH OCCURS
- 301.15 NOTIFICATION OF MAJOR CRIMES DIVISION PERSONNEL (CALL-OUT)
- 301.16 KNOWN DEAD OFFENSE REPORTS
- 301.17 AGGRAVATED ASSAULT CASES
- 301.18 ASSAULT/DISTURBANCE CASES
- 301.21 ACCIDENTAL SHOOTINGS & DISCHARGE OF WEAPON
- 301.22 ROBBERY REPORTS
- 301.23 SEXUAL ASSAULTS
- 301.24 COUNTERFEIT AND ALTERED U.S. CURRENCY
- 301.25 INVESTIGATIVE HYPNOSIS
- 301.27 NOTIFICATION OF BURGLARY/THEFT DETECTIVES ON UNUSUAL CASES
- 301.29 NAMING OF DENVER POLICE OFFICERS AS SUSPECTS IN CRIMINAL CASES
- 301.30 INTIMIDATING OR BRIBING A WITNESS OR VICTIM AND/OR TAMPERING WITH A WITNESS OR VICTIM
- 301.31 CASE CLOSURE DESIGNATIONS
- 301.32 USE OF OUTSIDE CONSULTANTS
- 301.33 POST COMBINED DNA INDEX SYSTEM (CODIS) MATCH AND AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) INVESTIGATIVE PROCEDURES

302.00 FILINGS AND REPORTS

- 302.01 CASE FILING
- 302.02 MISDEMEANOR CASE FILING USING THE CRIMINAL SUMMONS AND COMPLAINT
- 302.04 RESTITUTION AND DROPPING OF CHARGES
- 302.05 GRAND JURY PROCEDURES
- 302.10 RIGHTS ADVISEMENT FORM, DPD 369
- 302.11 STATEMENTS
- 302.12 POLYGRAPH
- 302.14 INVESTIGATION FUNDS AND INFORMANT USE, SUPERVISION AND COMPENSATION

303.00 FINANCIAL CRIMES UNIT

- 303.01 GENERAL PROCEDURES
 - 303.02 STOLEN OR LOST CHECKS
 - 303.03 FORGERIES OF CHECKS
-

303.04 STOLEN, LOST, COUNTERFEIT OR COMPROMISED FINANCIAL TRANSACTION DEVICES
303.05 ARREST OF SUSPECTS INVOLVING CHECKS OR FINANCIAL TRANSACTION DEVICES
303.06 CONFIDENCE GAMES
303.07 NON-RETURN OF RENTED PROPERTY
303.08 THEFT OF LODGING/MEALS
303.10 FRAUD BY CHECK
303.11 LOST OR STOLEN MONEY ORDERS
303.12 CRIMINAL POSSESSION OF A FINANCIAL DEVICE
303.14 IDENTITY THEFT AND CRIMINAL IMPERSONATION
303.15 FORGED IDENTIFICATIONS
303.16 UNDERCOVER OPERATIONS AND NOTIFICATIONS OF THE FINANCIAL CRIMES UNIT

304.00 VICE/DRUG CONTROL BUREAU

304.01 CONTROLLED SUBSTANCES
304.02 LIQUOR VIOLATIONS PROCEDURES
304.03 GAMBLING
304.04 PORNOGRAPHY
304.05 BOTTOMLESS AND TOPLESS ENTERTAINERS
304.06 PROSTITUTION OR PROCURING
304.07 USE OF MILITARY PERSONNEL IN INVESTIGATIONS
304.08 ANONYMOUS COMPLAINTS
304.09 HOTEL CHECKS
304.10 DRUG RELATED CURRENCY SEIZURE
304.11 PROSTITUTION OFFENSES RELATING TO SEX TRAFFICKING AND EXPLOITATION

305.00 PROPERTY RECOVERY UNIT

305.01 PROCEDURES
305.02 PLACING HOLD ORDERS, SEIZING & RELEASING PROPERTY FROM PAWNSHOPS & SECONDHAND STORES

307.00 CONFIDENTIAL INFORMANTS

307.01 INFORMANT CATEGORIES AND CLASSIFICATION
307.02 INFORMANT REGISTRATION
307.03 SUPERVISOR AND COMMAND OFFICER RESPONSIBILITY FOR INFORMANT UTILIZATION
307.04 RESTRICTED-USE INFORMANTS
307.05 INFORMANT STATUS REVIEW AND AUDITS
307.06 DEACTIVATION/DECERTIFICATION OF CONFIDENTIAL INFORMANTS
307.07 REACTIVATION OF CONFIDENTIAL INFORMANTS
307.08 MEETINGS WITH INFORMANTS
307.09 PAYMENTS/COMPENSATION
307.10 AGREEMENTS CONCERNING CRIMINAL OR TRAFFIC CASES AGAINST AN INFORMANT
307.11 COURT APPEARANCES OR OTHER INTERVENTION ON BEHALF OF INFORMANTS
307.12 CASE FILINGS AND DISCLOSURE OF INFORMANTS
307.13 INFORMATION ON VIOLATIONS OF GOVERNMENTAL INTEGRITY
307.14 SIGNIFICANT PUBLIC/IMMIGRATION BENEFIT PAROLE
307.15 CHANGE OF PRIMARY CONTROL OFFICER OR CONFIDENTIAL INFORMANT

308.00 MISSING AND EXPLOITED PERSONS

308.01 MEP UNIT
308.02 TAKING CHILDREN INTO PROTECTIVE CUSTODY
308.03 CHILD ABUSE, CHILD NEGLECT, SEXUAL ASSAULT TO A CHILD BY A PERSON IN A POSITION OF TRUST OR A FAMILY MEMBER
308.04 CHILD PORNOGRAPHY
308.05 DRUG ENDANGERED CHILDREN (DEC)
308.06 MISSING PERSONS AND RUNAWAYS
308.07 KIDNAPPING CASES
308.08 MISSING OR ABDUCTED CHILD RESPONSE

309.00 BIAS-MOTIVATED CRIMES

309.01 OVERVIEW

310.00 ASSAULT TO PEACE OFFICER INVESTIGATIONS

310.01 OVERVIEW
310.02 COLORADO STATE STATUTES AND DENVER POLICE DEPARTMENT POLICY
310.03 DEFINITIONS
310.04 REPORTING AND INVESTIGATIVE PROCEDURES

400.00 JUVENILES

401.00 JUVENILE PROCEDURES

- 401.01 GENERAL GUIDELINES
- 401.02 ARRESTS
- 401.03 RUNAWAY/PROTECTIVE CUSTODY
- 401.04 IDENTIFICATION AND RECORDS
- 401.05 INVESTIGATIVE ORDER-INS

500.00 SUPERVISORY PROCEDURES

501.00 PERSONNEL - ADMINISTRATIVE

- 501.01 CHAIN OF COMMAND
- 501.02 ALLOTMENT AND ASSIGNMENT OF PERSONNEL
- 501.03 PUNCTUALITY
- 501.04 DEPARTMENT MAIL
- 501.05 ADDRESS AND TELEPHONE NUMBER
- 501.06 EMERGENCY INFORMATION FILE
- 501.07 CHANGES IN MARITAL OR FAMILY STATUS AFFECTING MEDICAL BENEFITS
- 501.08 INCURRING EXPENSE IN CONNECTION WITH OFFICIAL DUTIES
- 501.09 PHYSICAL FITNESS
- 501.10 DETECTIVE, CORPORAL, AND TECHNICIAN SECTION
- 501.11 SERGEANT ASSIGNMENT SELECTION PROCESS

502.00 GENERAL DUTIES

- 502.02 ATTENDANCE RECORD – USE OF

503.00 PERFORMANCE

- 503.01 COMPLAINT AND DISCIPLINE PROCEDURES FOR SWORN OFFICERS
- 503.02 COMMENDATIONS
- 503.03 PERFORMANCE EVALUATION SYSTEM
- 503.04 PERSONNEL ASSESSMENT SYSTEM (PAS)

504.00 EQUIPMENT AND SUPPLIES

- 504.01 REQUISITION AND RECEIPT OF SUPPLIES
- 504.02 ISSUED ITEMS AND EQUIPMENT
- 504.03 INVENTORY AND TRANSFER OF DEPARTMENT PROPERTY AND EQUIPMENT
- 504.04 FIREARMS INVENTORY
- 504.05 BUILDING MAINTENANCE
- 504.06 RETIRING DENVER POLICE OFFICERS – COLORADO AND FEDERAL CCW PERMITS

505.00 PERSONNEL ISSUES AND PROCEDURES

- 505.01 DAYS OFF
- 505.02 VACATION
- 505.03 OVERTIME
- 505.04 SICK LEAVE
- 505.05 RESPONSIBILITY OF HUMAN RESOURCE MANAGEMENT BUREAU
- 505.06 MILITARY ABSENCE
- 505.07 APPLICATIONS FOR LEAVE
- 505.08 USE OF SICK LEAVE, LEAVE OF ABSENCE
- 505.09 MEDICAL/MODIFIED LEAVE SECTION
- 505.10 LINE OF DUTY INJURIES
- 505.11 MEDICAL LEAVE, AND/OR MODIFIED DUTY – RETURNING TO DUTY
- 505.12 APPLYING TO THE POLICE PENSION & RELIEF BOARD (PENSION BOARD) FOR BENEFITS
- 505.13 EQUAL EMPLOYMENT OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES
- 505.14 DONATION OF TIME
- 505.16 HOLIDAY PAY
- 505.17 HAZARD DUTY PAY
- 505.18 SEPARATION THROUGH DISQUALIFICATION
- 505.19 RE-EMPLOYMENT OF DENVER POLICE OFFICERS
- 505.20 NOTIFICATION OF DEATH OR INJURY OF DENVER POLICE OFFICERS
- 505.21 DENVER POLICE DEPARTMENT RECRUITMENT REFERRAL REWARD
- 505.22 SPECIAL ASSIGNMENT TIME
- 505.23 LIMITED DUTY
- 505.24 OFFICER FILLING POSITION OF SUPERVISORY OFFICER – ACTING CAPACITY

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT

DIV I OVERVIEW

PAGE: 11 OF 21

505.25 ACTING DISTRICT COMMANDERS AND ACTING SHIFT COMMANDERS

506.00 MISCELLANEOUS

506.01 TRANSFERS OF ASSIGNMENT

506.02 DEATH IN THE FAMILY – BEREAVEMENT LEAVE

506.03 LABOR DISPUTES AND STRIKES

506.05 GRANTS, CONTRACTS, AND MEMORANDA OF UNDERSTANDING

507.00 TRAVEL POLICY

507.01 DENVER POLICE DEPARTMENT'S TRAVEL POLICY

DIVISION V RULES AND REGULATIONS

APPENDIX A COLLECTIVE BARGAINING AGREEMENT

INTRODUCTION

TO: All Denver Police Department Personnel:

The canons defined by the Law Enforcement Code of Ethics, rules, regulations, and duties contained in this manual are published for the information and guidance of each employee of the Denver Police Department. Rules and regulations will invariably be adhered to at all times; however, the Chief of Police (or designee) may excuse officers and employees from strict adherence based on the relevance and practicality of a specific policy to an officer or employee's assignment or duties, as well as any unique circumstances that may be present. Such discretion by the Chief of Police (or designee) will be applied with good judgment and in the best interests of the community and the department.

The duties and procedures are not intended to cover every situation which may arise in the course of one's duties. There will be times when officers will have to rely solely upon their discretion and experience to be effective. Officers' value to the community and department will be gauged not only by compliance with the instructions contained in this manual, but also by demonstration of good judgment, commitment, and performance under widely variant conditions. It is incumbent upon all officers to familiarize themselves with the contents of this operations manual so that they may know their duties and perform them properly.

AUTHORITY

By virtue of the authority vested in me as Chief of Police of the City and County of Denver, I hereby prescribe and adopt the following as a Manual of Operations for the Police Department of the City and County of Denver. This Operations Manual, as it hereafter is to be known, will be the standard by which the actions of all officers in the Department of Police are to be measured.

In accordance with the Denver City Charter, all amendments to the Rules and Regulations as set forth in the Appendix must have the approval of the Executive Director of Safety.

The duties and procedures will change as needed by the Chief of Police with the concurrence of the Executive Director of Safety and their revisions issued after this date are to be prepared and distributed as appropriate. This Operations Manual will replace and supersede all Orders of this Department inconsistent herewith.

Troy Riggs
Executive Director of Safety

Paul M. Pazen
Chief of Police

A MISSION, VISION, VALUES AND GUIDING PRINCIPLES

MISSION STATEMENT

IN PARTNERSHIP WITH THE COMMUNITY, WE ENDEAVOR TO OPERATE A POLICE AGENCY WITH A FOCUS ON PREVENTING CRIME IN A RESPECTFUL MANNER, DEMONSTRATING THAT EVERYONE MATTERS

VISION

THE DEPARTMENT, IN PARTNERSHIP WITH THE COMMUNITY, WILL ENDEAVOR TO ACHIEVE OUR MISSION BY:

- FOCUSING ON THE PREVENTION OF CRIME AND SAFETY
- ADOPTING A DEPARTMENT CULTURE THAT IS CONSISTENT WITH COMMUNITY VALUES
- COMBINING BOTH EFFICIENCY AND EFFECTIVENESS, WHILE LEVERAGING TECHNOLOGIES THAT ENHANCE POLICING OPERATIONS

CORE VALUES

IN AN EVER-CHANGING WORLD, CORE VALUES ARE CONSTANT, THEY ARE THE FUNDAMENTAL BELIEFS OF A PERSON. CORE VALUES ARE NOT DESCRIPTIONS OF THE WORK WE DO OR THE STRATEGIES WE EMPLOY TO ACCOMPLISH OUR MISSION. THESE VALUES UNDERLIE OUR WORK, HOW WE INTERACT WITH EACH OTHER AND MEMBERS OF OUR COMMUNITY, AND FORM THE BASIS OF OUR DECISION MAKING. THESE THREE BELIEFS AND VALUES GUIDE AND INSPIRE US IN ALL WE SAY AND DO; WE WILL CONTINUALLY INTERNALIZE AND MODEL THESE CORE VALUES:

- **INTEGRITY:** HONEST AND ETHICAL BEHAVIOR IN ALL WE DO, OUR ACTIONS WILL MATCH OUR WORDS.
- **COURAGE:** SELFLESS DEVOTION TO DUTY; TAKING ACTION IN THE FACE OF DANGER AND HOLDING OURSELVES AND OUR PEERS TO THE HIGHEST ETHICAL STANDARDS.
- **SERVICE:** PROVIDING RESPECTFUL POLICE SERVICES TO ALL, REALIZING THAT WE ACHIEVE MORE THROUGH PARTNERSHIPS. OUR MOTTO "TO SERVE AND TO PROTECT" IS NOT JUST A SLOGAN – IT IS OUR WAY OF LIFE.

GUIDING PRINCIPLES

OUR AGENCY'S GUIDING PRINCIPLES ARE THE STRATEGIES THAT WE APPLY TO ACCOMPLISH OUR MISSION. THEY DESCRIBE THE MANNER IN WHICH OUR ORGANIZATION ACCOMPLISHES ITS MISSION. THESE TWO GUIDING PRINCIPLES ARE HOW WE MEET THE DEMANDS OF OUR MISSION:

- **INNOVATION:** INNOVATION IS ENCOURAGED TO CREATE A LEARNING ORGANIZATION THAT WILL GROW AND DEVELOP NEW AND INNOVATIVE PRACTICES TO ACCOMPLISH OUR MISSION.
 - **TEAMWORK:** TEAMWORK IS FOSTERED IN ALL AREAS. WE BELIEVE THAT SOLUTIONS TO CRIME PROBLEMS COME FROM INSIDE AND OUTSIDE OF OUR ORGANIZATION. ESTABLISHING A VARIETY OF PARTNERSHIPS IS VITAL TO THE ACCOMPLISHMENT OF OUR MISSION.
-

B DEPARTMENT OBJECTIVE

The main objective of the Denver Police Department is to meet its responsibilities to the community by providing highly professional, respectful, effective, ethical, and responsive law enforcement and public safety services.

In order to accomplish this objective, members of the Denver Police Department must make an organizational effort toward the betterment of communications and the encouragement of individual initiative.

The duties of each assignment will be made known to all throughout this organization. Lines of communication are shown on the organization chart. It should be possible for anyone in this organization to contact the proper authority for action or decision on any issue.

It is believed that in order to fulfill this basic objective, it is necessary to create and maintain a sound organization through which the Denver Police Department can be easily and effectively directed and controlled. This does not imply disregard for the rights or abilities of the individual, but rather a structuring of the human efforts concerned with carrying out the everyday activities in the operation of this department.

Consideration is given in the organizing process to greater personal satisfaction through more effective use of human talents and the attainment of individual as well as departmental goals

C ORGANIZATION POLICIES:

To provide a guide for future action in organization planning, the following policies are stated:

- a. Fixed Responsibility:
It is the policy of the Denver Police Department to fix responsibility for each function. The manner in which such responsibility has been fixed is set forth in this manual.
 - b. Discretion:
It is the policy of the Denver Police Department that in any situation for which there is no formal departmental rule or procedure, officers will take the least stringent action which will be in the best interest of the public, resulting in equitable enforcement of the law and reflecting positively on the Denver Police Department.
 - c. Delegation of Authority:
It is the policy of the Denver Police Department to delegate authority for decision making and action, empowering employees closest to where the work is performed.
 - d. Organization Structure:
It is the policy of the Denver Police Department to describe lines of authority and such functional and advisory relationships as are necessary to the conduct of good law enforcement and by means of an organization chart. This chart shows supervisory relationships, areas of activities, relations with other bureaus, divisions, districts, sections and units, and direct and indirect lines of authority.
 - e. Span of Control:
It is the policy of the Denver Police Department to limit the number of subordinates reporting to any one supervisor. The limiting condition is that a supervisor must be able to give proper attention to the duties of his/her position in the organizational structure and follow the lines of authority and communication shown on the organization chart.
 - f. Communications and Lines of Authority:
It is the policy of the Denver Police Department to have established lines of authority followed in all routine matters. It is not the purpose of this policy, however, to put an end to the "open-door" policy of command officers. Under exceptional circumstances and when normal lines of authority do not suffice, persons may seek advice and discuss problems with higher authority.
 - g. Organization Changes:
-

It is the policy of the Denver Police Department to make basic changes in the described organization structure only after full consideration by the Executive Director of Safety, Chief of Police and by their respective executive staffs.

h. The Organization Chart:

The organization chart shows in graphic form the overall organization structure, management position in the structure, and the flow of authority and accountability. Coupled with the position guides, the organization chart forms the basis for communicative decision-making and general management action necessary to create the most efficient department productivity.

i. Common Responsibilities:

There are many responsibilities common to all management positions. In addition to the duties performed in directing a designated bureau, division, district, section or unit, each supervisory officer advises and acts for the Chief of Police in promoting coordination and cooperation in matters of department-wide concern. Other common responsibilities that should be the concern of all officers are:

1. Keeping current about developments of all kinds affecting their area of specialization and making use of such knowledge as will render maximum benefit to the department.
 2. Cooperate actively with their associates for the best attainment of department objectives.
 3. Interpret approved policies and plans to their bureau, division, district, section or unit and to act as liaison in transmitting of information from top to bottom and vice versa.
 4. Plan for both long and short-range objectives and policies for their assignment.
 5. Participate in joint action with other bureaus, divisions, districts, sections, units and assignments where concerted action is needed for the solution of a problem.
 6. Establish, maintain and administer procedures necessary for the efficient operation of this department.
 7. Administer and control expenditures of staffing, materials and other cost elements which could materially affect the operations of this department.
-

D CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

POLICE OFFICER'S OATH

I do solemnly swear by the ever-loving God that I will support the Laws and Constitution of the United States and of the State of Colorado, and the Charter and Ordinances of the City and County of Denver; and that I will faithfully perform the duties of the office of Police Officer of the City and County of Denver, to which I have been appointed.

**DENVER POLICE DEPARTMENT
CITY AND COUNTY OF DENVER
STATE OF COLORADO**

E POLICY AND PROCEDURES

The Denver Police Department Operations Manual is to be used as an official guide, outlining procedures for many of the routine and infrequent operations performed by the police department. Procedures detailed in the manual are to be recognized as official policy and applied on a department-wide basis.

- All officers are responsible for understanding and complying with all provisions of the operations manual. Failure to comply with any of the provisions of the operations manual may subject an officer to disciplinary action, additional training, re-assignment, secondary employment restrictions, and other actions at the discretion of the Chief of Police, Executive Director of Safety, or their designees.
- It is understood that written policies may not cover every situation; however, personnel will not deviate from established policies and procedure except when necessary due to extenuating circumstances, and in these instances, there must be clear articulation and justification. Any deviation will be rigorously examined on a case-by-case basis.

F ORGANIZATIONAL DEFINITIONS

The following definitions will govern the forthcoming discussion defining the organizational structure of the Denver Police Department and functions of each organic unit. They are presented here to provide uniformity and clarification of terminology.

F.1 ADMINISTRATION

The general administration of the police department is vested in the Executive Director of Safety who will be in full charge and control over the police department.

REFERENCE: CHARTER OF THE CITY AND COUNTY OF DENVER
TITLE 1, SUBTITLE B – CHARTER, ARTICLE II – MAYOR AND EXECUTIVE DEPARTMENTS,
PART 6 – SAFETY: 2.6.2

The Chief of Police is the chief executive officer of the department and the departmental authority in all matters of policy, operation, and discipline falling within his/her purview. He/she exercises all lawful power of the office, and issues such lawful orders as are necessary to assure the effective performance of the police operation.

Through the Chief of Police, the department is responsible for the enforcement of all laws and ordinances coming within its purview.

The rules governing the conduct of members of the classified service in the police department will be set forth as written rules and regulations by the Chief of Police with the approval of the Executive Director of Safety provided, however, that such rules and regulations will not contain any political or religious qualifications or disqualifications.

Any member of the classified service will be subject to fine and suspension, reduction in grade, and removal for a violation of such rules and regulations.

REFERENCE: CHARTER OF THE CITY AND COUNTY OF DENVER
CHAPTER 42 POLICE, ARTICLE II – POLICE DEPARTMENT, DIVISION 1 – GENERALLY
SECTION 42-27 SUSPENSION, REMOVAL
SECTION 42-28 POWER TO FINE OFFICERS
SECTION 42-29 RULES AND REGULATIONS

F.2 DEPARTMENT

The Denver Police Department

F.3 BUREAU

Generally comprised of two or more divisions under the command of a deputy chief, a bureau is the first level of groups subordinate to the Chief of Police.

F.4 DIVISION

An entity usually comprised of two or more sections under the command of an appointed commander or civilian director.

F.5 DISTRICT

A geographical area administratively designated for purposes of command, supervision, patrol, investigation, and or other specialized functions.

F.6 SECTION

An entity having jurisdiction or agency-wide authority for the accomplishment of a functional responsibility. Sections may or may not be subordinate to a division. When not subordinate to a division, it will be accountable directly to the Chief of Police or a deputy chief. Sections are structured with a span of control that generally requires a designated section head of the rank or title of captain, lieutenant, or civilian manager.

F.7 UNIT / TEAM

An entity that is generally a subunit of a district, division, or section but can report directly to the Chief of Police or a deputy chief. Sections and teams have area or functional responsibilities and are structured with a span of control that generally requires a first-level supervisor such as a sergeant or civilian supervisor.

F.8 PRECINCT

A geographic area of varying size within a district to which one or more officers are specifically assigned for patrol purposes.

F.9 OFFICIAL DUTY

That time when an officer is formally on-duty and engaged in an official capacity.

F.10 VAN CISE-SIMONET DETENTION CENTER

An intake center for processing arrestees prior to arraignment located at 490 W. Colfax Avenue.

G PERSONNEL DEFINITIONS

G.1 CHIEF OF POLICE

The Office of the Chief of Police will be appointed by the Mayor. The Chief of Police is the chief executive officer of the police department.

G.2 DEPUTY CHIEF

The position of Deputy Chief is the highest appointed rank of officers in the classified service. They are appointed from the civil service rank of captain or lieutenant and serve at the pleasure of the Chief of Police.

G.3 COMMANDER

Commanders are members of the police department in the classified service. They are appointed from the civil service rank of captain or lieutenant and serve at the pleasure of the Chief of Police.

G.4 CIVILIAN DIRECTOR

A civilian employee appointed through a career service competitive process to a senior managerial position within the Denver Police Department.

G.5 COMMANDING OFFICER

Any officer in charge of a bureau, district, division, section, or unit.

G.6 CAPTAIN

A captain is a member of the police department in the classified service, next in rank to commander. This rank is attained by promotion from the rank of lieutenant through an eligibility list established by a competitive civil service examination and selection by the Chief of Police.

G.7 CIVILIAN MANAGER

A civilian employee appointed through a career service competitive process to a mid-level managerial position within the Denver Police Department.

G.8 COMMAND OFFICER

An officer holding the rank of lieutenant, captain, commander, deputy chief, or chief of police.

G.9 LIEUTENANT

A lieutenant is a member of the police department in the classified service next in rank to a captain. This rank is attained by promotion from the rank of sergeant through an eligibility list established by a competitive civil service examination and selection by the Chief of Police.

G.10 SUPERVISORY OFFICER

Officers assigned to positions requiring the exercise of immediate supervision over the activities of other officers and employees.

G.11 SERGEANT

A sergeant is a member of the police department in the classified service next in rank to a lieutenant. This rank is attained by promotion from an eligible list established by competitive civil service promotional examination and selected by the Chief of Police.

G.12 CIVILIAN SUPERVISOR

A civilian employee appointed through a career service competitive process to a first-level supervisory position within the Denver Police Department.

G.13 CORPORAL

A corporal is appointed by the Chief of Police to assume leadership and training roles and to fulfill supervisory responsibilities when necessary. Appointed officers retain their base rating under the classified service. This is not a permanent promotion and the officer appointed serves at the pleasure of the Chief of Police.

G.14 DETECTIVE

A detective is a police officer appointed by the Chief of Police to investigative duty. Appointed officers retain their rating under the classified service. This is not a permanent promotion and the officer appointed serves at the pleasure of the Chief of Police.

G.15 TECHNICIAN

A technician is a police officer appointed by the Chief of Police to fulfill specialized roles and responsibilities. Appointed officers retain their rating under the classified service. This is not a permanent promotion and the officer appointed serves at the pleasure of the Chief of Police.

G.16 POLICE OFFICER

A person appointed to the department as a full-time, regularly salaried peace officer. An officer is the basic individual unit of the police department from the ranks of which all assignments and promotions are made. Officers attain this rank by appointment from an eligible list established by a competitive civil service examination in the classified service.

G.17 CIVILIAN EMPLOYEE

Every person other than sworn police officers, hired through Career Service by competitive process.

G.18 RESERVE POLICE OFFICER

A person appointed to the department as a volunteer peace officer. Persons may attain this position by appointment from an eligible list established by a competitive examination. The officer appointed serves at

the pleasure of the Chief of Police.

G.19 VOLUNTEER

A person selected for a non-paid, volunteer position. Volunteers are non-sworn and serve in a supportive role within the police department. Volunteers serve at the pleasure of the Chief of Police.

H WORDS AND TERMS - DEFINITIONS

The following words and terms have these assigned meanings within the Denver Police Department Operations Manual; unless by context or content it is evident there is a different meaning.

H.1 CAREER SERVICE

The hiring authority for civilian employees of the City & County of Denver.

H.2 CITY

The City and County of Denver as a governmental organization.

H.3 CIVIL SERVICE COMMISSION

The hiring authority for sworn personnel of the Denver Police Department.

H.4 CIVILIAN / NON-SWORN / CSA

A Denver Police Department Career Service employee having no arrest authority, as stipulated by the State of Colorado for peace officers. Civilian personnel serve in support and managerial functions and may wear a designated uniform, but do not possess authority to make a custodial arrest.

H.5 DEPARTMENT / DPD

The Denver Police Department

H.6 DSD

The Denver Sheriff Department

H.7 DHMC

Denver Health Medical Center

H.8 EMPLOYEE/PERSONNEL

All persons employed by the Denver Police Department. This includes sworn police officers, civilian employees, unpaid interns, sworn reserve police officers, and volunteers.

H.9 CHILD

Generally any person under the age of 18 years. Some policy areas may stipulate specific ages to address particular situations.

H.10 POLICE OFFICER

A sworn employee of the City and County of Denver Police Department who is granted peace officer authority in accordance with the laws of the State of Colorado and City and County of Denver.

H.11 OPERATIONS MANUAL

The Denver Police Department Operations Manual

H.12 ORDER

A written or verbal instruction issued by a supervisor

H.13 POST (PEACE OFFICER STANDARDS AND TRAINING)

The State of Colorado organization responsible for oversight of standards and training for all Colorado peace officers.

H.14 SCOUT VAN

A vehicle operated by the Denver Sheriff's Department for the transport of in-custody persons.

I FORMATTING AND ABBREVIATIONS

I.1 FORMATTING CONVENTIONS:

- a. The document will begin with an Introduction, the department's Mission, Vision and Values, its Guiding Principle and Philosophy, and the Department Objective. It will end with specific policy sections.
- b. The subject, section number, and publication / revision date will be included in the header.

I.2 ACCEPTABLE SUBSTITUTIONS:

- a. An individual policy may be referenced as the "_____Policy".
- b. Individual sections of a policy may be referenced as "OMS 000.00".

I.3 GRAMMAR:

- a. Words or phrases not otherwise defined will have meaning and intent established in common usage.
- b. The following rules of grammar apply throughout all operations manual sections:
 1. Verbs:
 - "Shall", "will", and "must" are mandatory in intent and specify a required action.
 - "Should" is advisory in intent. Though not mandatory, an advised action should be followed if permissible and practical.
 - "May" is permissive.
 2. Abbreviations:
 - "e.g.," means "for example".
 - "i.e.," means "in other words".

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



DIV II ORGANIZATION

REVISED: 01/12/2017

PAGE: 1 OF 16

1.00 PERSONNEL - ORGANIZATION

The police department is comprised of the Chief of Police, who is appointed by the Mayor, and such subordinate police officers appointed pursuant to Denver Civil Service requirements and employees appointed pursuant to Denver Career Service requirements, as may be necessary to prevent crime, preserve the peace, protect persons and property, and enforce laws and ordinances.

1.01 PERSONNEL – SWORN:

- a. Ranks:
 - Chief of Police
 - Deputy Chief of Police
 - Commander
 - Captain
 - Lieutenant
 - Sergeant
 - Detective – Corporal – Technician
 - Officer
- b. Grades:
 - Police Officer 1st Grade (33 or more months of service)
 - Police Officer 2nd Grade (having completed 21 months and less than 33 months of service)
 - Police Officer 3rd Grade (having completed 9 months and less than 21 months of service)
 - Police Officer 4th Grade (upon graduation from the police academy and the first 9 months thereafter)
 - Recruit Officer (from the original date of appointment to the completion of the Academy and certification as a peace officer by the State of Colorado)

1.02 PERSONNEL – CAREER SERVICE

- a. Duties and Work Hours:

Career Service (CS) employees will perform the duties designated by the Executive Director of Safety through the Chief of Police, working such hours as deemed proper for the accomplishment of their assigned duties by their sworn supervisors or civilian managers.
 - b. Performance of Duties:

In the performance of all duties they will be honest, diligent, reliable, competent, respectful, courteous, and cooperative; exercising due care and appropriate economy in the use of city property, refraining from any act detrimental to the best interests of the city.
 - c. Rules and Regulations:

CS employees will be amenable to all rules and regulations set forth by the Executive Director of the Office of Human Resources appointed by the Career Service Board.
 - d. Training:

CS employees will be given the necessary on the job training to complete their assignments and deal with the public in a professional manner. If an employee is performing in an unsatisfactory manner, every effort will be made to retrain and retain an employee to ensure that the employee
-

will not be lost and that the citizens' view of the Department is not jeopardized.

CS employees are encouraged to take advantage of schools and seminars made available to them, as long as it does not interfere with the police mission.

2.00 FUNCTIONAL RESPONSIBILITIES OF BUREAUS, DIVISIONS, DISTRICTS, SECTIONS, AND UNITS

The following descriptions are intended to identify the established and on-going functional responsibilities for each area identified. These responsibilities align with the goals and objectives of the department's strategy and vision and are intended to be a general overview, meaning it does not identify, in detail, every job function assigned to a respective area. This list is meant to compliment the organization chart, which outlines the hierarchy and chain of command and has been organized in alphabetical order for easy reference.

2.01 ACADEMY UNIT:

The Academy Unit organizes and promotes training programs, including the development and distribution of training modules to supplement and comply with Colorado POST training requirements. The unit also organizes and coordinates recruit training, in-service training, institutes, seminars, and training programs, both internally and externally.

2.02 ADMINISTRATIVE MANAGEMENT DIVISION:

This Administrative Management Division provides support functions to the department through computerized reporting, suspect identification, and the storage of evidence and property. It includes the Information Management Unit, the Identification Section, and the Property Management Section.

2.03 AIRPORT POLICE DIVISION:

The Airport Police Division provides uniformed patrol of airport property, including the enforcement of airport regulations, city ordinances, and state/federal laws. Division personnel coordinate their activities with airport officials and appropriate federal agencies, such as the FAA, FBI, TSA and Customs.

a. Explosives Detection K-9 Unit:

Specially trained police officers and canines assigned to airport property for the specific purpose of detecting explosive materials on airport grounds and roadways.

b. Investigations / Special Events Unit:

Completes follow up investigations of criminal offenses and plans and organizes special events occurring on airport property and roadways.

c. Traffic Enforcement Unit:

Addresses hazardous violations and investigates motor vehicle crashes occurring on airport property within the City and County of Denver.

2.04 AIR SUPPORT UNIT:

The Air Support Unit provides aerial patrol, observation, and other necessary support for police related functions.

2.05 BOMB / EXTRADITION UNIT:

The Bomb/Extradition Unit conducts and documents investigations on all bomb threats, explosive related incidents, or post blast crime scenes. They render safe and/or remove suspected improvised explosive devices, incendiary devices, explosives, or explosive chemicals. Bomb Technicians prepare and present explosive related training programs, and investigates all bombings, bomb threats, burglaries and theft of explosives, and explosions which are not caused by a fire related incident.

Personnel coordinate with the Denver District Attorney's office on extraditions, Denver District Court case filings, governors' warrants, and at large warrant case filings on all prisoners arrested in Denver for out of state law enforcement agencies. The Bomb/Extradition Unit coordinates with other law enforcement agencies to arrange for prisoner transportation prior to the required legal deadlines.

2.06 BUSINESS ROBBERY UNIT:

The Business Robbery Unit investigates the taking of anything of value from a business by force, extortion, threats, or intimidation. This unit also investigates home invasion robberies, theft of motor vehicle by force cases, and extortion.

2.07 CANINE (K-9) UNIT:

The Canine Unit searches and locates criminal suspects, and performs regular patrol duties or other special assignments as directed by the Deputy Chief of Operations or Commander of Special Operations.

2.08 CIVIL LIABILITY SECTION:

The Civil Liability Section assists the Denver City Attorney's Office when a claim or lawsuit is filed wherein any personnel of the police department and the City and County of Denver are named as defendants. Such assistance will include making all necessary notifications to appropriate personnel and gathering all necessary records.

The Civil Liability Section is also responsible for fulfilling requests for records and computerized information not normally provided by the Identification Section or Records Unit as outlined in operations manual section 109.00, and assuring that these requests are billed properly. Personnel of this unit act as agents for the Chief of Police by responding to the courts on Subpoenas Duces Tecum.

2.09 CITY ENFORCEMENT UNIT:

The City Enforcement Unit is responsible for identifying locations with high accident rates and instituting enforcement programs to reduce the accident rate. The commanding officer of the Traffic Operations Section can assign additional specialized enforcement duties as needed. City enforcement officers are motorcycle trained and assist with motorcade escorts and other duties as needed.

2.10 COLD CASE UNIT:

The Cold Case Unit proactively combines advances in DNA technology and traditional investigative techniques to solve cold case murders and sexual assault cases. Cold cases are defined as those having an indeterminate sentence that remains unresolved for one (1) year or more.

2.11 COMMUNITY RELATIONS SECTION:

The Community Relations Section increases community involvement on a metro-wide basis to promote positive interactions between the citizens of Denver and members of the Denver Police Department. Through participation in expos, public events, the Police Activities League, and charity events, the Community Relations Section seeks to improve the relationship the Department has with the community.

2.12 CONDUCT REVIEW DIVISION (CRD):

The Conduct Review Division maintains an effective discipline system that is fair, rational, efficient, and consistent, reflecting department values, protecting the rights of officers and citizens, promoting respect and trust within the department and community, and results in a culture of public accountability, individual responsibility, and maintenance of the highest standards of professionalism.

The CRD reviews all completed formal Internal Affairs Division investigations, makes findings, and when appropriate, issues penalty recommendations (using discipline matrix). In accordance with established processes, the Commander of the Conduct Review Division reports findings to the Chief of Police for review and final disposition. The Conduct Review Division also addresses scheduled discipline cases and vehicle pursuits. The Conduct Review Division includes the Prosecution Liaison and Civil Liability Section.

2.13 COURT LIAISON UNIT:

The Court Liaison Unit acts as a liaison between the courts and the police department. Personnel of this unit administer the online subpoena system, and are responsible for the issuance of all off-duty overtime court slips. Personnel notify the commanding officer of the Internal Affairs Division of officers who are not in compliance with mandatory court related activities.

2.14 CRIME SCENE UNIT:

The Crime Scene Unit specializes in crime scene processing, which includes the collection and preservation of evidence as well as the identification of latent prints, firearms, tool marks, and body fluids for DNA analysis. Crime scenes are documented using photographic and video technologies, and Crime Scene Unit personnel complete detailed crime scene drawings for investigative purposes.

2.15 CRISIS INTERVENTION RESPONSE UNIT:

The Crisis Intervention Response Unit consists of sworn personnel and licensed clinicians, contracted through the Mental Health Center of Denver (MHCD), who handle calls for service involving individuals with known or suspected mental health issues. Clinicians respond with officers and personnel in a team member role as well as handle self-initiated calls addressing mental health needs and support that do not require an officer presence. In addition, the department-wide CIT training program is coordinated through the Crisis Intervention Response Unit.

2.16 CRISIS NEGOTIATION UNIT:

The Crisis Negotiation Unit is comprised of specially trained detectives from investigative assignments throughout the department who are responsible for responding to barricade and hostage situations. Once on scene (under the direction of the Commander of the Major Crimes Division), unit personnel manage the negotiation, working in conjunction with district personnel and the Metro/SWAT Unit.

2.17 CRISIS SERVICES DIVISION:

The Crisis Services Division provides support services to victims of crimes and persons experiencing mental health crisis. This division includes the Victim Assistance Unit and the Crisis Intervention Response Unit.

2.18 DATA ANALYSIS UNIT (DAU):

The Data Analysis Unit provides analysis-driven data support to the Denver Police Department and Denver Department of Safety. The DAU combines disparate data sources to provide analytics, mapping, pattern analysis, correlations, and incident and offender trends to assist the department identify strategic and administrative priorities. The DAU evaluates and utilizes existing solutions for predictive analytics, business intelligence, and intelligence led policing efforts.

2.19 DENVER POLICE ACTIVITIES LEAGUE (PAL)

A nonprofit, charitable organization established in 1969 to provide athletic and other endeavors to Denver youth during high-risk hours, and to be a positive interface between the Denver Police Department and the community - www.denverpal.com.

The Denver Police Activities League is staffed by police officers and has a board of trustees comprised of both police officers and concerned Denver citizens. PAL works with hundreds of volunteer coaches from the community.

2.20 DENVER POLICE CITIZEN ACADEMY:

An educational program designed to inform community members about law enforcement processes. Attendees learn about the Denver Police Department and a variety of procedures and functions, giving them unique access to law enforcement practices as a means of furthering police-community relations.

2.21 DISTRICT STATIONS:

The City and County of Denver is divided into six districts. Each district has a commander responsible to the Deputy Chief of Operations for the effective and efficient operation of his/her command and the prompt and efficient discharge of duties and responsibilities. The personnel complement in each district is divided into shifts to provide 24-hour service. In addition to precinct patrol assignments, there are specialized units.

- a. Community Resource Officers:
-

Assigned personnel are responsible for encouraging citizens to seek police expertise in matters of mutual concern, including such areas as crime prevention, Operation Identification, Neighborhood Watch, and nuisance abatement.

b. School Resource Officers:

Assigned to designated schools (within their respective district), assigned personnel act as a law enforcement liaison/consultant/representative with students, faculty, school administration, parents, and the school community. Where appropriate they provide coaching and mentoring. Their function is to provide support services to youth and educational organizations through the presentation of lectures, officer involvement within the educational system, consultations, use of police authority when appropriate, and a wide range of public relations efforts. School Resource Officers are not directly involved in the school administrative discipline process. School resource officers are governed by an IGA with DPS that determines their selection process and activities.

c. Investigations:

Assigned personnel investigate street robberies, burglary, auto theft, theft, assault, criminal mischief, and all other reported crimes not handled by specialized investigative units.

d. Narcotics:

Assigned personnel investigate narcotics violations within district geographic areas.

e. Impact Teams

Assigned personnel address neighborhood concerns and ongoing crime issues. Personnel are responsible for identifying problems in their respective areas and developing a plan to solve them, utilizing resources inside and outside the department. Impact teams from one or more districts also respond to large-scale events and provide support through crowd management, crime reduction, and problem solving.

f. Downtown Motorcycle Unit (District 6 only):

The unit provides rapid police response and maximum police visibility to the 16th Street Mall and the surrounding downtown area.

g. Mounted Patrol Unit (District 6 only):

Assigned personnel patrol the 16th Street Mall District, the park areas adjacent to the City and County Building, and other city parks when so directed while mounted on horse. They are further responsible for assisting with crowd management at special events and will assume other assignments and responsibilities as deemed necessary by the Commander of District 6 and/or Deputy Chief of Operations.

2.22 DOMESTIC VIOLENCE/FRAUD SECTION:

Comprised of the Domestic Violence Unit, Fraud Unit, and the Pawnshop/Bicycle Unit and Bicycle Impound.

2.23 DOMESTIC VIOLENCE UNIT:

The Domestic Violence Unit investigates domestic violence-related incidents such as assault, kidnapping, threats, telephone harassment, restraining order violations, menacing, and stalking that are reported as required by statute. The Domestic Violence Unit is responsible for investigating all bias-motivated crimes.

2.24 DUI / DRE ENFORCEMENT UNIT:

The DUI/DRE Enforcement Unit is responsible for the detection, apprehension, and processing of drivers impaired or under the influence of alcohol and/or drugs.

2.25 EXCISE AND LICENSE UNIT:

The Excise and License Unit assists civilian investigators with conducting background investigations for all City and County of Denver license applicants. The Excise and License Unit also investigates and inspects current licenses to ensure compliance with city and county ordinances and state statutes.

2.26 EXECUTIVE SECURITY UNIT:

The Executive Security Unit provides executive security to the mayor, the mayor's residence, and the office of the mayor; traveling with or making security arrangements for the mayor during travel out of the city; and reporting any criminal acts directed toward the mayor or the office of the mayor.

2.27 EXPLOSIVE DETECTION CANINE UNIT – SPECIAL OPERATIONS DIVISION:

The Explosive Detection Canine Unit supports department operations through the detection of explosive devices, explosive materials, and evidence recovery.

2.28 FINANCIAL SERVICES SECTION:

The Financial Services Section is responsible for preparation of the department budget and for the proper maintenance of the appropriation, as well as for the approval of expenditures and requests for purchases.

2.29 FIREARMS UNIT – TRAINING DIVISION:

Assigned personnel are responsible for supervision of the department's firearm training program, the maintenance of firearm qualification score records for all sworn department personnel (including quarterly qualifications of all heavy weapons, shotguns, and urban rifles), and the repairs and maintenance of designated weapons owned by the department.

The Commander of the Training Section is also the department's Chief Firearms Officer and oversees the Firearms Unit and all its facilities. The Chief Firearms Officer will identify an Assistant Chief Firearms Officer (supervisory or command officer) and a complement of Firearm Training Officers (chosen from the rank of 1st grade police officer, technician, detective, or corporal rank).

The Less-Lethal Coordinator, assigned to the Firearms Unit, is responsible for the training, maintenance, and repair of designated department-owned less lethal weapons.

Exceptions:

- The METRO/SWAT Section uses their certified armorers and personnel for training, inventory, repairs, and maintenance of designated lethal and less-lethal weapons.
- The Airport Division inventories designated lethal and non-lethal weapons.

2.30 FIREARMS / TOOL MARK UNIT:

Personnel examine firearms to ensure that they function properly, test fire for bullet and cartridge case recovery, and compare evidence bullets and cartridge cases to determine if are matched to a specific firearm. Additionally, personnel conduct serial number restorations, physical matches (firearms and tools), and gun powder pattern testing. The unit also enters digitally captured images of fired cartridge cases using specialized equipment known as the Integrated Ballistics Identification System (IBIS) in the National Integrated Ballistics Information Network (NIBIN) in collaboration with the Crime Gun Intelligence Center (CGIC).

2.31 FLEET MANAGEMENT SECTION:

The Fleet Management Section personnel are responsible for the general administration of departmental business relating to vehicular equipment: repairs, maintenance, service and assignment, assessment of fleet size needs, requisition of vehicles, conduct equipment testing programs, and establish specifications for new vehicles. This section consists of the Service Center Unit and the Police Garage Unit.

2.32 FORENSIC BIOLOGY / DNA UNIT:

The Forensic Biology/DNA Unit provides analysis of evidence for the presence of body fluids and the subsequent extraction of Deoxyribonucleic Acid (DNA) for identification purposes. Personnel compare known samples collected from victims and suspects to evidence, and routinely upload unknown DNA profiles into the Combined DNA Index System (CODIS) database.

2.33 FORENSIC CHEMISTRY UNIT:

The Forensic Chemistry Unit provides analysis to identify suspected drugs, narcotics, and controlled substances; fire debris; and human blood for the presence and concentration of alcohol. The forensic

scientists also support clandestine laboratory investigations to ensure safety and offer technical advice to investigators. Scientists in this unit also conduct comparative analysis of organic and inorganic substances, such as hair, fibers, soil, tape, and botanicals. Additionally, the unit examines substances using microscopic technologies to identify gunshot residue, explosive materials, paint, glass, construction, and other unknown materials.

2.34 FORENSIC IMAGING UNIT:

The Forensic Imaging Unit archives, authenticates, secures, retrieves, and enhances digital image files taken by department personnel to assist in criminal investigations. Additionally, personnel respond to crime scenes to locate, retrieve, and protect video evidence. Personnel also provide approved specialized photography upon request to other areas of the department.

2.35 FORENSICS AND EVIDENCE DIVISION:

The division consists of the Crime Scene Unit, Firearms Unit, Forensic Biology/DNA Unit, Forensic Chemistry Unit, Forensic Imaging Unit, Latent Print Unit, Quality Assurance Unit, and Trace Evidence Unit. Personnel assigned to the division are responsible for the collection, preservation, and examination of evidence. Division personnel also provide expert testimony related to these areas.

2.36 FRAUD UNIT:

The Fraud Unit is responsible for the investigation and case filing in most complaints related to checks, financial transaction devices (credit cards), forgeries, identity theft, elder exploitation, and frauds.

2.37 FUGITIVE UNIT:

The Fugitive Unit investigates complaints and warrants for felony and misdemeanor offenses pertaining to persons wanted by the Denver Police Department and other jurisdictions, and maintains correspondence pertaining to the transfer or extradition of fugitives. Assigned personnel actively attempt to arrest known fugitives.

2.38 GANG SECTION:

The Gang Section focuses resources on gang-related crimes and is comprised of the Gang Unit and gang related task forces.

2.39 GANG UNIT:

The Gang Unit is responsible for enforcement activities and follow-up investigations in the area of gang activities. Inclusive in this is the collection and interpretation of intelligence information concerning gangs, gang members, and gang related crimes in the metro area.

The Gang Unit also provides an education and information service for law enforcement and other related organizations. Personnel are responsible for enforcement of all federal, state, and city laws pertaining to criminal conduct among the gang element.

2.40 HALO UNIT:

The HALO Unit monitors, maintains and operates the department's overt camera systems.

2.41 HIGHWAY / HAZARDOUS MATERIALS UNIT:

The Highway/Hazardous Materials Unit is responsible for traffic enforcement, accident investigation and the maintenance of an orderly flow of traffic on the freeways within the city. Personnel are also responsible for inspecting commercial vehicles and hazardous material carriers, and enforcing statutes, ordinances and rules and regulations pertaining to the transportation of hazardous materials.

2.42 HOMICIDE UNIT:

The Homicide Unit investigates the intentional, unintentional, justifiable, and unlawful killing of human beings, to include suicides and attempt suicides, officer-involved critical incidents, industrial/accidental deaths—except traffic fatalities, suspicious hospital deaths or other suspicious deaths occurring while in a doctors' care, known and unknown dead cases, murder for hire, and any other investigation where the expertise of the Homicide Unit personnel benefit the police mission.

2.43 IDENTIFICATION SECTION:

The Identification Section includes the Identification Unit (including NCIC and concealed weapons), and the Records Unit.

2.44 IDENTIFICATION UNIT:

The Identification Unit is responsible for generating and maintaining criminal history records, fingerprints, and photographs for the department. Additionally, personnel are responsible for making positive identification of arrestees, supplying the public, criminal justice agencies and DPD officers with criminal records they can legally access. The Identification Unit processes modified prisoner hold reports for detectives and facilitates the US&C process. The unit issues and maintains identification cards for all police department employees, and provides the public with fingerprint services.

Personnel assigned to management of concealed weapons are responsible for the processing and issuance of concealed weapon permit applications under Colorado Revised Statute 18-12-205, including the forwarding of applications to the Colorado Bureau of Investigation and the Office of the Executive Director of Safety. Personnel are also responsible for revoked and suspended permits and issuance of permits to retired law enforcement personnel under the 2004 Law Enforcement Officers Safety Act. Personnel are responsible for the processing, background investigations, and issuance of these permits.

Personnel complete computer data entry for adult and juvenile arrests.

a. NCIC/CCIC

Assigned personnel are responsible for all entries, modifications and cancellations of warrants, the maintenance of the central warrant file, and the operation of the NLETS Communication system for the Department.

b. CCIC Coordinator

The CCIC Coordinator serves as the formal liaison between the Denver Police Department and the Colorado Bureau of Investigation regarding NCIC/CCIC operations and serves on the Board of Working Advisors. The CCIC Coordinator is responsible for setting policy and procedure for NCIC operators. The CCIC Coordinator receives Declarations of Understanding from CCIC trainers and maintains copies of the Declarations.

c. CCIC Trainers

Trainers are responsible for the testing of sworn and CS personnel. CCIC trainers are also available at the district, division, or section level to answer questions relating to CCIC functions and should have a strong understanding of the system.

2.45 INFORMATION DESK UNIT:

The Information Desk Unit provides building security as well as assistance to citizens coming to the Police Administration Building. Information Desk Unit personnel aid with police reports and resource information for visitors.

2.46 INFORMATION MANAGEMENT SECTION:

The Information Management Section (IMS) implements and maintains various modules within the records management system. This includes all interfaces with the system – CAD, Crime Lab, reporting databases, NCIC, DenverGov, internet crime reporting, internet request for reports, and the interface with the Integrated Criminal Justice BUS. This requires coordinating with affected personnel any changes to policy and procedures that will gain efficiencies within the record management system. IMS personnel monitor all facets of the record management system to ensure compliance with policy and procedures and ensure that reporting, data entry, and case management is handled in a consistent manner.

IMS provides training to department employees in all record management systems, user, and records management system technical support during normal business hours, and 24/7 support for user and technical issues. This includes close daily support with all integrated city agencies that share the data.

Additionally, IMS personnel ensure the record management system has the newest version of software. This requires extensive testing and coordinated effort with affected personnel, Technology Services, and the record management system vendor. IMS personnel evaluate new technologies and equipment related to record management and coordinate with affected personnel with regard to the deployment of new hardware and software applications.

2.47 INTELLIGENCE SECTION:

The Intelligence Section includes related task forces, the Intelligence Unit, the Internet Predator Unit, the School Violence Unit, and the Executive Security Unit.

2.48 INTELLIGENCE UNIT:

The Intelligence Unit is responsible for criminal intelligence activities, dignitary protection and other specialized investigations.

2.49 INTERDICTION UNIT:

The Interdiction Unit is responsible for the enforcement of all local, state, and federal statutes which prohibit the possession, use, or traffic of narcotics and other prohibited substances. The unit strives to impact the flow of illegal narcotics and related currency into and out of the city through proactive interdiction operations focusing on the city's highways, transportation terminals, and mail system while collaborating with state and federal law enforcement agencies and our partners within the community.

2.50 INTERNAL AFFAIRS DIVISION (IAD):

Assigned personnel ensure the integrity of the Denver Police Department through the complete, efficient, and proper investigation of allegations of police misconduct.

2.51 INTERNET PREDATOR UNIT:

The Internet Predator Unit is a collaboration between the Denver Police Department and the FBI (the Denver division that investigates cases of internet luring and child pornography). The task force is responsible for the investigation and prosecution of cases involving the possession, distribution, and transportation of child pornography by means of the Internet or electronic communications that violate federal statutes.

2.52 INVENTORY CONTROL UNIT:

The Inventory Control Unit is responsible for the maintenance of an inventory control system to include all city-owned property in the custody of the Denver Police Department, as set forth under rules and regulations established by the Office of the Auditor, and pursuant to Executive Orders 24 and 47.

2.53 INVESTIGATIVE SUPPORT DIVISION:

The Investigative Support Division consists of the Vice/Narcotics Task Force Section, the Vice/Narcotics Section, the Intelligence Section, the Special Investigations Section, the Gang Section, the Investigative Technology Section, and related task forces.

2.54 INVESTIGATIVE TECHNOLOGY SECTION:

The Investigative Technology Section assists in the identification and implementation of new technologies to benefit department operations and service to the community, including the staffing, maintenance and operation of the department's body worn camera program. The Investigative Technology Section includes the HALO Unit and Technical Electronic Support Unit.

2.55 JUVENILE SECTION:

The Juvenile Section processes juveniles arrested for misdemeanors, felonies, and outstanding warrants, and assist officers with the processing of non-status juvenile offenders (e.g., runaways), as needed.

2.56 LATENT FINGERPRINT UNIT:

The Latent Fingerprint unit processes evidence in the laboratory for the development of latent prints (including finger, palm, shoe, tire, and tread prints) utilizing powder and chemicals. Once developed and preserved utilizing tape lifts or photography, personnel conduct friction ridge analysis to compare

unknown prints to known (exemplar) prints. Additionally, personnel upload finger and palm prints into the Automated Fingerprint Identification System for regional or national searches.

2.57 LEGISLATIVE LIAISON:

The Legislative Liaison monitors state and local legislation and advises the Chief of Police (through the Deputy Chief of Administration) on its impact to the department. Legislation brought to state and city agencies from within the police department is coordinated by the legislative liaison, with the Chief of Police giving final approval. It is then presented to state government or the mayor's office and city council by the legislative liaison.

2.58 MAJOR CRIMES DIVISION:

The Major Crimes Division investigates serious crimes against persons and consists of the Robbery/Homicide Section, the Sex Crimes/MEP Section, the Domestic Violence/Fraud Section, and the Metro Denver Crime Stoppers Unit.

2.59 MARIJUANA UNIT:

The Marijuana Unit enforces all local and state statutes which prohibit the illegal possession, cultivation, manufacture, or traffic of marijuana and marijuana related products. The unit will accomplish this through a combination of enforcement, public education, partnership with the community and other criminal justice agencies, and training.

2.60 METRO DENVER CRIME STOPPERS UNIT:

Assigned personnel are responsible for the effective operation and promotion of the Metro Denver Crime Stoppers Program. This involves coordination between the Metro Denver Crime Stoppers Program, metro area law enforcement agencies, local media, and the community. Assigned personnel are the designated liaison between citizen tipsters calling on the MDCS hotline and the MDCS Awards Committee.

Metro Denver Crime Stoppers (MDCS) has been serving the community and law enforcement by providing a conduit for anonymous tips provided by the public to assist law enforcement. The MDCS program encourages citizens to provide law enforcement agencies with information relating to unsolved crimes. Tipsters are given the opportunity to remain anonymous when they call the tip line number with information. Cash awards are offered for information which leads to the arrest of a suspect.

2.61 METRO/SWAT SECTION:

The METRO/SWAT Section is comprised of the SWAT and Canine Units. The responsibility of the section is to provide crime suppression and special operations beyond the resources of a patrol district.

2.62 MISSING AND EXPLOITED PERSONS (MEP) UNIT:

The MEP Unit investigates cases of neglected and/or abused children, child deaths (in cooperation with the Homicide Unit), sexual assaults to children when the suspect is in a position of trust, or if the suspect is a family member, child pornography as it pertains to the possession, distribution, and/or manufacturing of photographs, reported runaways, missing persons, kidnappings where the victim is still missing and any investigation where the expertise of the MEP Unit would be useful.

2.63 NEIGHBORHOOD ENFORCEMENT UNIT:

The Neighborhood Enforcement Unit addresses neighborhood traffic complaints and problems. Officers will actively participate with the neighborhood groups, patrol district personnel, city council, other city agencies and schools in their assigned area.

2.64 NIGHT SHIFT UNIT:

The Night Shift Unit investigates suicides, attempt suicides, industrial/accidental deaths (except traffic fatalities), suspicious deaths, known and unknown dead cases and provide investigative support, in general investigative capacity, for members of the department seeking advice or investigative response during their scheduled hours. Personnel assist other investigative units by triaging, processing crime

scenes, and ensuring adequate investigative response to criminal incidents. This includes the completion of search warrants or referrals to the responsible investigative unit.

2.65 OFFICE OF THE CHIEF OF POLICE:

The Office of the Chief of Police is responsible for the overall operation of the Police Department.

2.66 OFFICE OF THE DEPUTY CHIEF OF ADMINISTRATION:

Under the command of the Deputy Chief of Administration, the office manages a number of administrative and support functions, including the following divisions (Internal Affairs, Administrative Management, Operations Support, Training, Crisis Services), and the Performance Development Unit, the Financial Services Section, and the Planning, Research and Support Section. This bureau also includes one operational division (Airport Police Division).

a. Limited Duty Coordinator:

Manages and coordinates sworn personnel who are in a limited duty status.

2.67 OFFICE OF THE DEPUTY CHIEF OF OPERATIONS:

Under the command of the Deputy Chief of Operations, the office manages most operational functions within the department, including district stations and the following divisions (Major Crimes, Investigative Support, Special Operations, Forensics and Evidence).

2.68 OFFICE OF EMERGENCY MANAGEMENT (OEMHS):

Assigned personnel serve as a liaison and active participant with the City and County of Denver Office of Emergency Management.

a. Mission:

OEMHS coordinates with local, state, federal, private, non-profit entities, and community groups to minimize the impact of all potential hazards facing the City and County of Denver. OEMHS strengthens Denver's preparedness through comprehensive disaster planning, hazard identification & risk assessment, hazard mitigation, protection of critical infrastructure, and enhancement of community preparedness. OEMHS enhances disaster response by managing the Denver Emergency Operations Center and OEMHS Duty Officer Program, to improve interagency coordination and information sharing, resource management, and emergency public information and warning. These activities improve Denver's ability to recover from a disaster, reducing the time and cost required to return to normal operations, making Denver a more resilient city.

OEMHS also manages the Denver Urban Area Security Initiative, a federally-funded homeland security program designed to increase the Denver metropolitan area's capabilities to mitigate, prepare for, respond to, and recover from terrorist events and other major incidents.

2.69 OPERATIONS SUPPORT DIVISION:

The Operations Support Division provides a support function focused on processing in-custody juveniles, maintaining the department's vehicle fleet, tabulating crime statistics, tracking property assigned to the department's various bureaus and divisions, maintaining computerized personnel records and scheduling, coordinating projects related to police facilities, and the distribution of employee uniforms and equipment. The division includes the Juvenile Section, the Fleet Management Section, the Data Analysis Unit, the Inventory Control Unit, the TeleStaff Coordinator, and the Uniform/Stationery Supply Unit.

2.70 PAWNSHOP / BICYCLE UNIT:

The Pawnshop/Bicycle Unit & Bicycle Impound inspects and investigates licensed pawnshops, second-hand stores, and cases involving violations of the Pawn Broker's Act. The Pawnshop/Bicycle Unit retrieves all pawn tickets daily and recovers stolen property. It is responsible for recovering and storing stolen and abandoned bicycles, filing cases, and assisting in the identification and sale of unclaimed bicycles through the city surplus office.

2.71 PEER SUPPORT UNIT:

The Peer Support Unit provides confidential support, emergency intervention, assessment, and direction to other available resources. The only exception to the rule of confidentiality would be regarding information revealing criminal activity or circumstances leading to, or that could cause self-harm. Officers serving as peer support advisors are required to report such information to the appropriate authority.

Members of the Peer Support Unit are volunteers from the Denver Police Department and are trained under the direction of the police psychologist. Contact numbers for unit members are available on the Peer Support Roster posted via DPDWeb and through Denver 911.

2.72 PERFORMANCE DEVELOPMENT UNIT:

The Performance Development Unit is responsible for administering the Early Identification and Intervention System (EIS). The unit also coordinates all limited duty issues and assignments.

2.73 PHOTO ENFORCEMENT UNIT:

The Photo Enforcement Unit is responsible for the management of red light and photo radar enforcement programs.

2.74 PIO UNIT:

The PIO Unit assists media personnel in covering routine news stories, are available for on-call response to the media, prepare and distribute news releases to the media and the community, arrange and assist at news conferences, assist with media issues related to crisis situations, and coordinate and authorize the release of information concerning departmental investigations and operations.

2.75 PLANNING, RESEARCH & SUPPORT SECTION:

The Planning, Research & Support Section is responsible for strategic planning and special studies. The section assists in the preparation of policies and procedures, publication and revisions of the Operations Manual, preparation of studies, reports, surveys, evaluation of new police methodologies and recently developed products, design and maintenance of all department forms, and dissemination of information in response to inquiries from citizens and other agencies. The section also archives documents, coordinates DPDWeb, the department's external website, PowerDMS, and Workday.

2.76 POLICE GARAGE UNIT:

The Police Garage Unit provides mechanical repairs outside the scope of those completed at the service center, as well as equipment installation and body shop repairs.

2.77 POLICE RESERVE UNIT:

The Police Reserve Unit's primary purpose is to assist the police department in completing the police mission and to augment field strength. Reserve police officers are commissioned by the Executive Director of Safety as special officers to serve at the pleasure of the Chief of Police, without pay, and are authorized to carry firearms when acting in their official capacity as reserve police officers on authorized assignments or in accordance with their CCW Permit issued by the Chief of Police.

2.78 POLYGRAPH UNIT:

The Polygraph Unit personnel are trained with the highly technical and complex instruments and processes of a polygraph examination. Personnel conduct examinations of subjects involved in both criminal investigations and pre-employment screening.

2.79 PROPERTY MANAGEMENT SECTION:

The Property Management Section receives, catalogs, and maintains personal and evidentiary property coming into the possession of any officer or agent of the Denver Police Department.

2.80 PROSECUTION LIAISON:

Responsible for reviewing documentation related to pending criminal cases, to ensure that prosecutors have the information necessary to make an appropriate charging decision. If the Prosecution Liaison

determines that additional information is needed, they will be responsible for gathering that information and adding it to the case file.

2.81 PUBLIC AFFAIRS SECTION:

The Public Affairs Section actively liaison with the media in matters of department-wide and community concern. The section functions as the spokesperson for the Chief of Police and the department by providing news media and the community with information on department operations, as well as managing social media and video production. The Public Affairs Section includes the Legislative Liaison, Social Media Coordinator, PIO Unit, and the TV/Video Coordinator.

2.82 PUBLIC NUISANCE ABATEMENT UNIT:

The Public Nuisance Abatement Unit coordinates, oversees and implements ordinances relating to nuisance abatement. Personnel focus the enforcement tasks from a variety of city agencies, including the police department, at target locations to include real property and vehicles.

2.83 QUALITY ASSURANCE UNIT:

The Quality Assurance Unit maintains the laboratory's International Organization of Standards (ISO) requirements. In accordance with established forensic standards, the QA Unit ensures excellence of the sciences completed by each forensic unit per national and international standards. Additionally, the unit maintains all records relating to operations within the Forensics and Evidence Division.

2.84 RECRUITMENT UNIT:

The Recruitment Unit is responsible for seeking qualified applicants to test with the Denver Civil Service Commission for entry and lateral officer positions. To complete this objective, the Recruitment Unit focuses on maintaining a presence within the community and developing community partnerships and efficient methods to communicate with potential applicants. While being highly knowledgeable in matters affecting recruitment, the unit is also a resource for those interested in seeking employment with the Denver Police Department.

2.85 ROAD RAGE UNIT:

The Road Rage Unit is responsible for reducing the incidence of aggressive driving, road rage, traffic accidents, as well as fatal and critical accidents occurring on the interstate system.

2.86 ROBBERY/HOMICIDE SECTION:

The Robbery/Homicide Section includes the Business Robbery Unit, Homicide Unit, Cold Case Unit, Night Shift Unit and Safe Streets Task Force.

2.87 RECORDS UNIT:

The Records Unit process and retain documents related to incidents officially reported to the police department. General Occurrence reports, Traffic Accident reports and other reports related to services provided by the police department are managed in this unit.

- a. Pawnshop records are located within the Records Unit. Pawnshop records are maintained on all items received by pawn shop dealers and second hand-stores in the City and County of Denver; stolen items listed in General Occurrence reports; wanted files on lost or stolen property; and persons who buy or sell valuable articles, such as precious or semiprecious metals or stones.
- b. Personnel complete computer data entry for non-electronic General Occurrence and accident reports, supplementary reports, and street checks.
- c. The Records Unit enters auto theft records into NCIC/CCIC, and completes all other case file scanning (except for adult and juvenile arrests).

2.88 SCHOOL VIOLENCE UNIT:

The School Violence Unit coordinates department activities and investigations between various investigative units, command personnel, school security and the Denver Public School District.

2.89 SECONDARY EMPLOYMENT COORDINATOR:

The Secondary Employment Coordinator is responsible for assuring that secondary employment performed by department members is in accordance with department policy.

2.90 SERVICE CENTER UNIT:

The Service Center Unit provides minor preventive maintenance service and repairs including but not limited to oil changes, tire replacement, emission testing, low mileage PMC vehicular maintenance services and vehicle washes.

2.91 SEX CRIMES SECTION:

The Sex Crimes Section includes the Sex Crimes Unit, Missing and Exploited Persons (MJEP) Unit, and Sex Offender Registration Unit.

2.92 SEX CRIMES UNIT:

The Sex Crimes Unit investigates all sex-related crimes involving non-position of trust victim(s)/suspect(s), all burglary/sexual assault cases, all kidnapping or attempted kidnapping cases involving juvenile victim(s), all stranger-to-stranger sexually motivated child abductions, all child enticement cases, police impersonation cases and harassment cases which are sexual in nature.

2.93 SEX OFFENDER REGISTRATION UNIT:

The Sex Offender Registration Unit maintains and assists convicted sex offenders with registration compliance, educating the public about personal safety precautions, and training designated law enforcement on registration, notification, verification, and community education procedures. The unit assists with any investigation of noncompliant sex offenders, including locating noncompliant and absconded sex offenders and issuing warrants for failure to register of noncompliant offenders.

2.94 SOCIAL MEDIA COORDINATOR:

The Social Media Coordinator manages and maintains the department's social media efforts.

2.95 SPECIAL EVENTS UNIT:

The Special Events Unit plans and coordinates all special events, parades, presidential or dignitary appearances, and other events where vehicular and pedestrian traffic management requires police assistance.

2.96 SPECIAL INVESTIGATIONS SECTION:

The Special Investigations Section includes the Fugitive Unit, Public Nuisance Abatement Unit, and Rocky Mountain Safe Streets – Fugitive Location and Apprehension Group (FLAG).

2.97 SPECIAL OPERATIONS DIVISION:

The Special Operations Division includes the Traffic Operations Section, METRO/SWAT Section, the Bomb Unit, Air Support Unit, Explosive Detection K-9 Unit, and the Office of Emergency Management.

2.98 SWAT UNIT:

The SWAT Unit is comprised of officers trained in special weapons and tactics to handle barricaded persons, with or without hostages; civil disorders; VIP security; and the service of all high-risk warrants. At the direction of the Deputy Chief of Operations or Commander of Special Operations, personnel may be assigned to saturation patrol and other special assignments.

2.99 TECHNICAL ELECTRONIC SUPPORT UNIT (TESU):

The Technical Electronic Support Unit is responsible for assisting in the identification and implementation of new technologies to benefit department operations.

2.100 TELESTAFF COORDINATOR:

The TeleStaff Coordinator maintains the TeleStaff program, creates reports, provides daily support to individual officers and helps administer the TeleStaff Server. To protect personal information, the

coordinator helps ensure that information in the database is secure. Additional duties include software enhancements and report design/creation.

2.101 TRAFFIC INVESTIGATIONS UNIT (TIU):

The Traffic Investigations Unit conduct investigations pertaining to fatal and serious injury traffic accidents, hit, and run accidents, police fleet accidents, police pursuits involving accidents, incomplete accident reports, and other traffic related matters requiring investigative follow-up.

TIU personnel obtain warrants and file appropriate felony and misdemeanor charges resulting from the follow-up investigations. Personnel are also responsible for the processing, supervising and filing of Driving under the Influence (DUI) cases. They perform necessary equipment testing and provide expert testimony in court on the operation of the intoxilyzer, and maintain records pertaining to DUI arrests.

2.102 TRAFFIC OPERATIONS SECTION:

The Traffic Operations Section is responsible for the management of vehicular and pedestrian traffic throughout the city, including enforcement of traffic laws on streets and highways, investigation of traffic accidents and traffic related crimes and incidents, investigation of hazardous material incidents; regulation of the transportation of hazardous materials, hazardous material carriers and other commercial carriers, and the management of special events that require specialized traffic control.

2.103 TRAINING DIVISION:

The Training Division consists of the Academy Unit, Firearms Unit, Recruitment Unit, Peer Support Unit, and Reserve Unit.

2.104 VOLUNTEER UNIT:

The Volunteer Unit manages volunteers from throughout the local community as a means of supplementing department operations. Community members are screened, trained, and assigned to assist with a variety of department functions, giving the department an additional resource and private citizens the opportunity to give back to their community.

The Coordinator of the Volunteer Unit also oversees the Denver Police Chaplains Unit, an organization of volunteer clergy which serve at the pleasure of the Chief of Police. The unit is directed by the established Chaplains Operations Manual, providing voluntary spiritual and emotional guidance and counseling to all members of the Denver Police Department (sworn and civilian) and their families. Police chaplains also help with the overall community policing effort.

2.105 TV / VIDEO COORDINATOR:

The TV/Video Coordinator produces professional videos to highlight department efforts, safety programs, events, and recruitment.

2.106 UNIFORM/STATIONERY SUPPLY UNIT:

The Uniform/Stationary Supply Unit is responsible for the requisition, storage, and allocation of issued uniforms and equipment to department personnel. The unit is responsible for the requisition and storage of necessary expendable stationery supplies.

2.107 VICE/NARCOTICS SECTION:

The Vice/Narcotics Section includes the Marijuana Unit, Interdiction Unit, Vice Unit, Excise and License Unit, and Safe Streets – Innocence Lost Task Force.

2.108 VICE/NARCOTICS TASK FORCE SECTION:

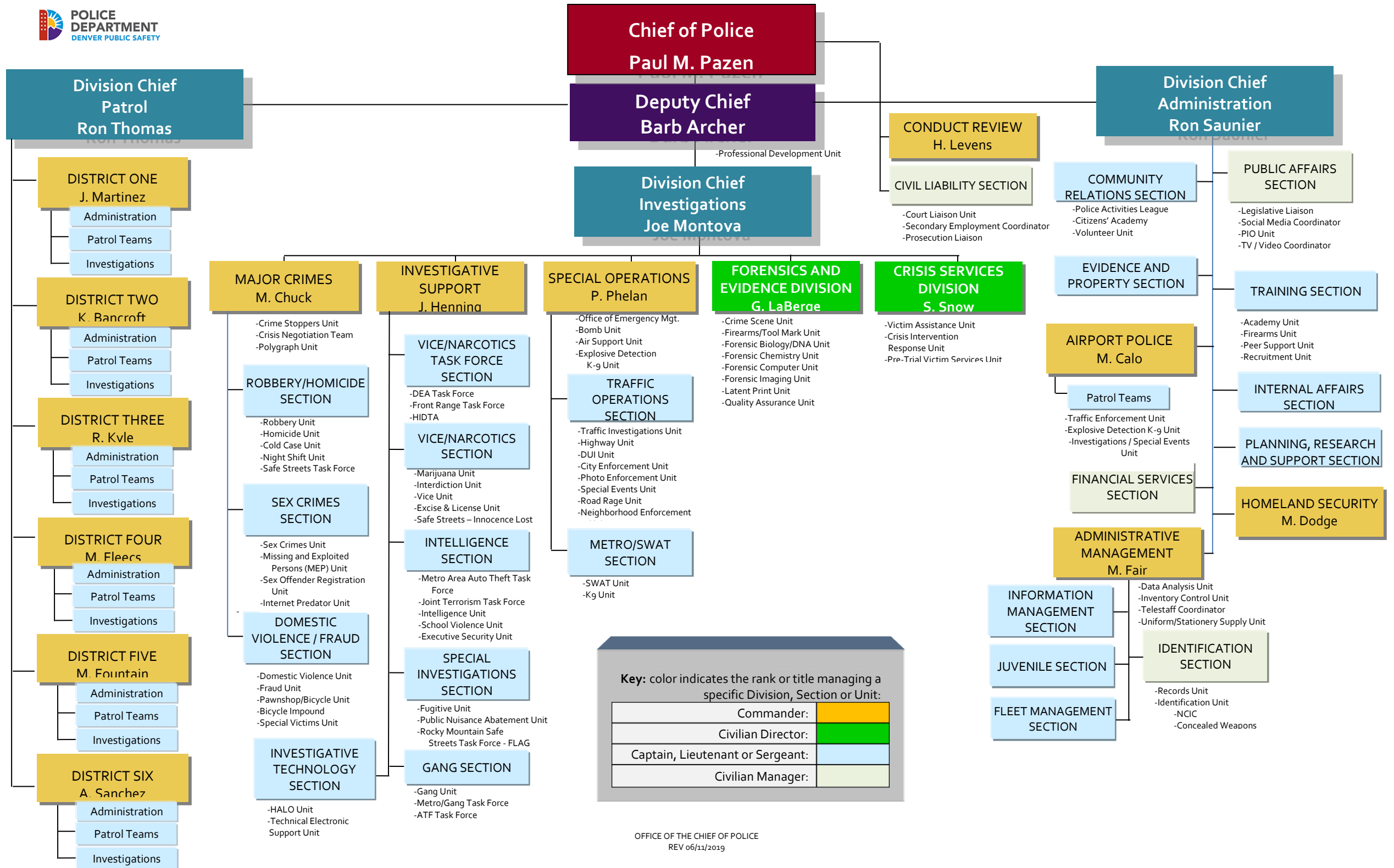
The Vice/Narcotics Task Force Section is comprised of three multi-agency task forces, staffed by local, state, and federal law enforcement officers.

2.109 VICE UNIT:

The Vice Unit enforces all local and state statutes related to prostitution, liquor licensed establishments, gambling and the illegal possession or sale of narcotics or other prohibited substances.

2.110 VICTIM ASSISTANCE UNIT:

The Victim Assistance Unit provides 24-hour on-scene crisis response when required or necessary for crimes investigated by the Denver Police Department as well as non-criminal incidents that result in a DPD response, including stark misfortune (e.g., natural death, suicide, traffic fatality, child death, human-made or natural disaster, etc.). Personnel also aid, support and provide referrals to crime victims, witnesses and their families, and liaison between the police department, community organizations and victims.



OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



DIV III DUTIES AND RESPONSIBILITIES OF DEPARTMENT PERSONNEL

REVISED: 08/03/2017

PAGE: 1 OF 26

3.00 GENERAL DUTIES AND RESPONSIBILITIES OF ALL SWORN PERSONNEL

IN THE PERFORMANCE OF THEIR DUTIES, ALL DENVER POLICE OFFICERS WILL:

3.01 AUTHORITY:

Have authority as a peace officer, stipulated in Colorado Revised Statute 16-2.5-101, whether on- or off-duty. Exceptions are an officer who has been relieved of duty by the Chief of Police (or designee), or other laws specifically limiting police authority or actions. Police officers are always subject to orders from a supervisory officer. Officers may request through Denver 911 that the matter be handled by on-duty officers, but will take such police action as may be required prior to the arrival of on-duty officers. See D&R 3.32.

3.02 DEPARTMENT RULES, REGULATIONS, DIRECTIVES AND ORDERS:

Study and/or understand, and comply with department rules and regulations, the operations manual, applicable directives, procedures, and issued orders. Officers will:

- a. Familiarize themselves with the information and notices published in the Police Daily Bulletin.
- b. Study and have considerable knowledge of city ordinances; as well as state and federal laws which they may be required to enforce.
- c. Obtain the assistance of their supervisory officer in the interpretation of any action that is not clearly understood.
- d. Be well informed about the rules, regulations, procedures, and duties governing their specific assignments.

3.03 PRIMARY FUNCTION:

Preserve the peace, protect life and property, prevent crime, apprehend criminal suspects, recover lost or stolen property, enforce criminal and traffic ordinances and regulations of the City and County of Denver and the laws of the State of Colorado in a fair and impartial manner, and uphold the Constitution of the United States of America. The responsibility to make a forcible arrest and perform other necessary physical tasks is a specific duty and responsibility of each officer, regardless of rank and/or assignment, and regardless of the frequency upon which an officer is called upon to perform such physical tasks.

3.04 SERVING THE PUBLIC:

Serve the public by direction, counsel, and in other ways that do not interfere with the discharge of their police responsibilities. Officers will respect and protect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, fairness, and sound judgment.

3.05 IMPARTIAL ATTITUDE:

In the performance of all phases of police work, a positive, impartial attitude must be displayed. Personal interest in cases should not be indicated other than that necessary to successfully carry out the "Police Mission." Impartial attitudes are of special importance in the following matters:

- a. Court appearances, verdicts, and procedures.
 - b. Labor management disputes.
 - c. Neighborhood disturbances.
 - d. Racial issues.
 - e. Accident investigations.
-

3.06 COURTESY:

At all times be courteous and civil to the public and to one another. Officers will be orderly, attentive, respectful, and will exercise patience and discretion in the performance of their duties.

3.07 REPORTING CRIMES AND SIGNIFICANT EVENTS:

Report all crimes, significant incidents, and other information of concern coming to their attention. They will not repress, conceal, or distort the facts of any such incident. Officers will take appropriate action based on information communicated to them, and will complete required reports and make appropriate notifications, either within the department or to an outside entity.

- Officers will make reports promptly and in the manner prescribed by reporting procedure. They will not make a false report, either orally or in writing. Officers who receive assistance from any other officer on a case to which they are assigned will note the assistance on their reports.

3.08 REPORTING A POLICE EMERGENCY:

Officers will immediately report a police emergency coming to their attention to the police dispatcher.

3.09 INJURING PERSONS OR DAMAGING PROPERTY:

Notify the Civil Liability Section, through the chain of command, if they injure a person or damage any property. Personnel will also notify a supervisor and follow all reporting requirements.

3.10 LEAVING THE CITY AND COUNTY OF DENVER:

Not go outside the City and County of Denver, or drive or take departmental equipment outside the City and County of Denver except:

- a. In cases of fresh pursuit.
- b. When sent by proper authority on the request of the sheriff or chief law enforcement officer having jurisdiction.
- c. When there appears to be an emergency and urgent need for assistance.
- d. When authorized by a supervisory officer.

Traveling on streets that serve as boundaries between the City and County of Denver and other jurisdictions is not a violation of this policy. Traveling through other jurisdictions that are near border areas of Denver, either by necessity or as a means of more efficiently responding to police related matters is not a violation of this policy.

3.11 LEAVING GEOGRAPHIC AREA OF RESPONSIBILITY:

If applicable by assignment or supervisory direction, not leave their general geographic area of responsibility, except when:

- a. Related to necessary performance of official police duty.
- b. Authorized by their supervisor (they will advise their supervisor or commanding officer as to the time of departure and return, and the nature of the business).
- c. On an authorized break and in close proximity to their general geographic area of responsibility.
- d. Directed by their supervisor.

3.12 VERBAL REPORTS OF CONSEQUENCE:

Confirm verbal reports of consequence by completing written communications before going off duty.

3.13 PERFORMANCE OF DUTIES:

Thoroughly acquaint themselves with the duties of the office, position, and assignment which they hold and properly perform such duties. In cases of neglect, failure or inability to perform their duties, officers may be subject to disciplinary action.

3.14 MAINTAINING HIGHEST STANDARD OF EFFICIENCY AND SAFETY:

Carry out department functions and coordinate their efforts in such a manner as will establish and

maintain the highest standard of efficiency and safety.

3.15 PERFORMANCE IN TIME OF PERIL:

Perform their duties with firmness and determination. In time of peril, they will act together, assisting each other in the restoration of peace and order in the enforcement of the laws and apprehension of offenders.

3.16 TAKING APPROPRIATE ACTION ON REPORTS, INQUIRIES AND COMPLAINTS:

Take appropriate action on reports, inquiries and complaints, except when circumstances make it necessary for them to immediately act on another urgent matter, report the matter, or refer the complainant to a more suitable unit or agency. Officers will fulfill proper requests for information or assistance, or aid persons by obtaining the requested information or assistance. Officers will avoid giving the impression they are evading their duty, or are disinterested in the problems of persons who are referred elsewhere for service. Officers will not belittle a seemingly trivial request, complaint, or piece of information, but will always thank the complainant or informant, regardless of the value of the information received.

3.17 CRIMES, DISORDERS, ACCIDENTS, AND OTHER SITUATIONS REQUIRING POLICE ATTENTION:

Act promptly, with energy, firmness, and decisiveness at the scene of crimes, disorders, accidents, and other situations requiring police attention, in dealing with suspects, and in completing their assignments. When the police purpose might be jeopardized by delay, appropriate immediate action will be taken, even though the incident would ordinarily be addressed by a different officer or division. All officers, regardless of rank or assignment, will maintain themselves in such physical and mental condition as is necessary to take immediate action when required.

3.18 TEMPORARY POSITIONS OUTSIDE THE DENVER POLICE DEPARTMENT:

Adhere to the rules, regulations, duties, and procedures outlined in the operations manual when assigned to temporary positions outside the Denver Police Department.

3.19 OCCASIONAL ASSIGNED DUTIES:

Perform such other duties as may be occasionally assigned by their supervisor or commanding officer. The duties set forth in the manual for various department positions will not be considered all inclusive.

3.20 ACCESS TO DEPARTMENT RECORDS:

Not have access to department records and report files unless authorized.

3.21 PROPERTY AND EVIDENCE:

Ensure property and evidence is handled according to policy.

3.22 POLICE LIBRARY:

Return to the police library at the police academy all checked-out material within the prescribed time.

3.23 COMPLETING ASSIGNED TOUR OF DUTY:

Complete their assigned tour of duty unless excused or relieved of duty by a supervisor or command officer.

3.24 OBEYING LAWFUL ORDERS OF RANKING OFFICERS AND POLICE DISPATCHER:

Obey, issue, and enforce the lawful orders of ranking officers, and promptly answer and execute orders given by a police dispatcher. Officers who receive such an order and doubt its legitimacy will carry out the order and then contact their supervisory officer, explaining the circumstances. Supervisors and commanding officers may countermand a dispatcher's orders. They will perform all duties required of them by ranking officers, whether such duties are specifically assigned to them by departmental rules and regulations, the operations manual, or written directives.

3.25 OFFICERS RESPONSIBLE TO ONE SUPERVISORY OFFICER:

As a general rule be required to take direct orders from and be directly responsible to one supervisory officer. Supervisory officers, however, will exercise direct command over officers lower in grade outside

their usual command in all situations where the police purpose or the reputation of the department is jeopardized.

3.26 SENIOR OFFICER ASSUMING RESPONSIBILITY:

In unusual or emergency situations where a supervisory officer is not present, the senior officer present or assuming responsibility by radio or other communication is in charge.

3.27 CONFLICTING ORDERS ISSUED BY A RANKING OFFICER:

When given an order conflicting with any previous order issued by any other ranking officer, or with any departmental order or provision of the operations manual, the officer to whom such order is issued will respectfully call attention to the conflicting order. If the ranking officer giving the order does not make changes to resolve the conflict, the order will stand and responsibility will be his or hers. The officer obeying the order will not be held responsible for disobedience of the prior order. It is sufficient for him/her to know that the person giving the order is in proper command. Should any lawful order appear unjust or improper to the officer to whom it is directed, he/she will carry out the instructions first, and afterward may call the matter to the attention of his/her commanding officer.

3.28 ORDERS TO BE CARRIED OUT TO THE DEGREE POSSIBLE:

When given any order or directive by a supervisor which, by its nature or by mitigating circumstances, cannot be carried out will be complied with insofar as possible and a report of the circumstances will be made (in writing when appropriate) to the supervisor from whom it was issued as soon as practical.

Nothing in this procedure will be interpreted to exempt any member from taking appropriate police action in the face of an emergency.

3.29 CHAIN OF COMMAND:

Follow the chain of command except in emergencies or circumstances where informal communications do not interfere with or disregard supervisory and command authority.

3.30 REPORTING FOR DUTY:

Report in person to their assignment at the beginning of their tour of duty and at such hours as may be designated by their commanding officer, unless excused by proper authority. When authorized duties prevent reporting in person, they will report by phone or other method approved by their supervisor at the time of arrival and departure.

3.31 TEMPORARY SUPERVISORY POSITION (ACTING ASSIGNMENTS):

When assigned, serve in a temporary supervisory position (acting assignments):

- a. Acting assignments will be made only when essential to the functioning of a bureau, division, district, section, or unit to have an officer with full supervisory or command authority immediately available for an entire shift to perform supervisory or command functions.
 1. Acting assignments will not be made when sufficient supervisors assigned to the bureau, division, district, section, or unit are working and can be called upon when necessary.
 2. Division and district commanders are responsible for ensuring that acting assignments are made only when necessary.
 - b. Acting assignments can only be authorized by commanders and/or captains/CS directors. Authority to make an urgent temporary acting sergeant assignment may be delegated to lieutenants.
 - c. An officer will temporarily be vested with all the authority and responsibilities of the supervisor, but the acting officer will not interfere with, countermand, or modify the orders previously issued by the supervisory officer, except in emergency.
 - d. An officer so assigned, when called upon to affix their signature to any official paper or report, will use their temporary official title.
 - e. Any officer temporarily assigned to a rank higher than that which he/she currently holds will be
-

- compensated at the rate of pay of the higher rank for the time he/she is assigned and assumes the duties of the higher rank.
- f. Officers may be temporarily assigned to a rank or assignment no more than one step higher than their current rank with the following exceptions:
 - 1. A district or division commander may, with the approval of his/her deputy chief, assign a lieutenant to the position of acting commander in his/her absence.
 - 2. A deputy chief may, with the approval of the Chief of Police, assign an officer holding the civil service rank of lieutenant, captain, or commander to the position of acting deputy chief in their absence.
 - g. Any officer who, for a period of four (4) hours or more is temporarily assigned by his/her supervisor to a rank higher than what the officer currently holds and assumes the duties of that higher rank will be compensated at the rate of pay of the higher rank for the entire duty shift in which he/she is so assigned. If during the period of temporary assignment, the officer works overtime, the officer will receive the overtime rate of pay at the officer's existing pay rate.
 - h. Officers will receive acting pay for those days when they are physically present at work, but will not receive acting pay for those days on which they are on special assignment, on an excused day or regular day off.
 - i. Acting assignments will be properly entered and approved in TeleStaff.

3.32 OFF-DUTY ACTIONS:

When off-duty, officers should use discretion in exercising police authority to make an arrest or direct the actions of other persons. Considerations include the availability of qualified assistance or communications to summon assistance (cell phone, radio, etc.), access to critical equipment, the threat to public safety if intervention does or does not occur, whether the officer is armed, persons present who may interfere, resist or assault the officer, and the serious or minor nature of the incident or crime.

- a. When considering intervention:
 - 1. If there is a reasonable and viable alternative, officers should refrain from taking enforcement action when out of uniform. Calling 911 or using a radio to summon uniformed officers and serving as a good witness rather than intervening (unless someone's life or personal safety is at risk) may be appropriate.
 - 2. If intervention or taking a police action is necessary, when possible and practical officers should call 911 or use a police radio to alert other police officers to their presence and situation. Officers should indicate whether they are armed, and provide a physical and clothing description (uniform or description of plain clothes).
 - 3. When taking a police action in plainclothes, officers should display their badge prominently; especially when their weapon is drawn and visible (when practical keep the badge close to the firearm).
 - 4. Officers should communicate frequently their identity as a police officer in a loud and clear voice.
 - b. When confronted by uniformed officers, the off-duty officer will:
 - 1. Obey the commands of the challenging officer, including a command to drop their weapon. Do not make any movement without permission of the challenging officer; regardless of their rank or position. The responding uniformed officer is in command.
 - 2. Assume all commands are addressed to both the suspect and yourself. Officers should lock themselves in position and not move.
 - 3. Resist the natural tendency to turn towards the voice that is confronting them, as even the turn of their head may cause their weapon to move, thus causing the confronting officer to feel threatened.
-

4. Use their voice to identify themselves loudly and clearly as a police officer.
- c. Challenging officers will:
 1. Make clear and audible commands to all individuals present. If necessary, direct commands to specific individuals by addressing them by their physical description.
 2. Recognize that the person who appears to look like a criminal suspect may well be a police officer.
 3. When possible and practical, use cover. With cover, officers may have more time to identify a person as an off-duty police officer taking a police action.
 4. Broaden their focus from the gun. Listen, look, and analyze a wide array of clues to understand the situation quickly.

3.33 CERTIFICATIONS:

Maintain their training certifications (e.g., Standardized Field Sobriety Test, Drug Recognition Expert, etc.) as required by the department and/or current assignment. When necessary, officers may seek the assistance of the Training Division and/or their division, district, or section commanding officer (or designees) in arranging for instruction, or locating training resources for the maintenance of certifications required of the officer's current assignment.

4.00 GENERAL DUTIES AND RESPONSIBILITIES OF SUPERVISORY OFFICERS (SWORN RANK OF SERGEANT OR HIGHER)

SOME OF THE FOLLOWING DUTIES AND RESPONSIBILITIES ARE NOT APPLICABLE TO ALL SUPERVISORY OFFICER ASSIGNMENTS.

IN ADDITION TO THE DUTIES OF SWORN OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER LEVEL RANKS). SUPERVISORY OFFICERS WILL:

4.01 ACCEPT RESPONSIBILITY IN MATTERS NOT COVERED BY HARD AND FAST RULES OF PROCEDURE.

4.02 RESPONSIBILITY FOR SUBORDINATES:

Be responsible to their immediate supervisor for the general conduct, efficiency, performance of police duties, and all aspects of police service rendered by their personnel. They will have immediate control of personnel under their supervision and are responsible for their personal appearance, the condition and appearance of their uniforms and equipment, and maintaining respect and discipline.

4.03 COMPLIANCE WITH DEPARTMENT POLICIES AND SETTING AN EXAMPLE:

They will comply with department policies and set an example in sobriety, dignity, courtesy, discretion, initiative, industry, diligence, truthfulness, courage, professional appearance, attention to duty, and the observance of proper discipline.

4.04 RESPONSIBLE FOR PROPER EXECUTION OF ORDERS BY PERSONNEL:

Be responsible for the proper execution of orders by their personnel. The fact that an order has been given is not acceptable as an excuse when that order is not carried out by a subordinate.

4.05 EXERCISING DIRECT COMMAND OVER LOWER RANKING OFFICERS OUTSIDE USUAL COMMAND:

Exercise direct command over lower ranking officers outside their usual command in all situations where the purpose or reputation of the department is jeopardized, but will not unnecessarily give orders to personnel not assigned to their command. Whenever orders that are given are important or require the subordinate receiving them to leave their regular post or assignment, the supervisory officer giving the orders will, as soon as practicable, inform the employee's immediate supervisor or commanding officer.

4.06 WILLFUL NEGLECT OF DUTY OR MISCONDUCT BY EMPLOYEES OUTSIDE THEIR COMMAND:

Bring to the attention of the involved employee's supervisor if they observe or are informed of any willful neglect of duty or misconduct by an employee not assigned to their command. When the reputation of the department or best interests of the community requires immediate action, supervisory officers will take

necessary corrective action and then notify the employee's immediate supervisor or commanding officer at the earliest possible time. The officer's immediate supervisor or commanding officer will immediately investigate and take appropriate action.

4.07 NOT PERFORMING DUTIES ASSIGNED TO SUBORDINATE:

Not perform the duties regularly assigned to a subordinate employee when the employee is available to perform them; however, regardless of rank they will take proper action in police matters coming to their attention.

4.08 ADVISING AND INSTRUCTING PERSONNEL:

Familiarize themselves with the operations manual, procedures, directives, rules and regulations, city ordinances, and state and federal laws to competently advise and instruct personnel in the proper performance of their duties. Supervisors will serve as a resource and when appropriate, instruct officers in the application of the operations manual, information provided in training bulletins and directives, the laws of arrests and evidence, and in the appropriate application of force. Supervisors will assist and instruct officers under their supervision in the proper discharge of their duties.

4.09 ENSURING EMPLOYEES COMPLETE REQUIRED REPORTS:

Ensure that employees reporting to them complete all required reports promptly, accurately, thoroughly, on the correct templates or forms, and properly route them. As often as is practicable, supervisors will examine reports, records, and daily logs (if applicable) of their officers to ensure proper records are made of all police matters reported to them.

4.10 REQUESTS FOR TRANSFER, GRIEVANCES OR SUGGESTIONS:

Forward immediately through channels all written communications from assigned employees requesting a transfer or containing a grievance or suggestion.

4.11 DUTY ASSIGNMENTS ON PERSON:

If applicable by assignment, carry on their person while on-duty, the duty assignment of each employee immediately reporting to them.

4.12 PROMOTING APPROPRIATE ENVIRONMENT:

Promote and maintain an environment of positive morale, harmony among ranks, commitment to the department's mission and esprit de corp.

4.13 EXERCISING AUTHORITY:

Exercise their authority with kindness, firmness, justice, fairness, respect, and reason.

4.14 MERITORIOUS SERVICE BY SUBORDINATES:

Submit to their immediate supervisor a factual report of meritorious service on the part of an employee who reports to them. See OMS 503.03.

4.15 STARTING TOUR OF DUTY:

When starting their tour of duty, familiarize themselves with new policies, issues, and relevant information items.

4.16 PUNCTUAL ATTENDANCE OF SUBORDINATE PERSONNEL:

Be responsible for the punctual attendance of all personnel within their command and will ensure that officers input all required records into the TeleStaff program (e.g., days worked, days off, overtime, court time, sick time, etc.)

4.17 ASSISTING WITH CASES:

Assist personnel when necessary in the preparation of cases moving through the criminal justice system. When in doubt as to law, procedure, or status of a case, supervisory officers will consult with suitable authority.

4.18 PREPARING PERFORMANCE EVALUATIONS:

Prepare performance evaluations for each of the officers under their direct supervision at such intervals, and upon such form, as may be required by the Chief of Police.

4.19 REPORTING IMPORTANT MATTERS TO SUPERVISOR:

Call all matters of importance to the attention of their immediate supervisor or commanding officer.

4.20 INFORMING ONCOMING SUPERVISOR:

If applicable by assignment, prior to completing their tour of duty, inform the supervisory officer coming on duty of any significant event.

4.21 GATHERINGS OF LARGE NUMBERS OF PERSONS:

Strive to be fully and accurately informed of meetings and gatherings likely to attract large numbers of persons, and take such steps as may be necessary to ensure proper police service at such assemblages.

4.22 TREATMENT AND WELFARE OF ARRESTEES / DETAINEES:

Be responsible for the treatment and welfare of persons in their custody. Under no circumstances will they cause or knowingly permit inappropriate force to be used against arrestees / detainees by employees who report to them.

4.23 ARRESTEES IN NEED OF MEDICAL ATTENTION:

When aware of an arrestee in need of medical attention, they will take steps to make it available at the earliest reasonable and practical time.

4.24 INVESTIGATION OF MISCONDUCT:

Investigate or cause to be investigated, all complaints of misconduct, incompetence, neglect of duty, or violations of department policy or rules and regulations on the part of employees within his/her immediate command as specified in OMS 503.01. Supervisory officers will ensure that all evidence relating to alleged violations is discovered and properly documented. They will also report to their immediate supervisor, ineffective personnel detailed to their command. This report will include recommendations as to the action to be taken. Minor single event subordinate performance or behavior issues not rising to the level of a policy violation may be addressed by supervisory officers without requiring a written report.

4.25 PRESENCE AT ROLL CALL:

If applicable by assignment, be present at the regular roll call of personnel and inform them of all special duty assignments, orders, and instructions to ensure all duties are performed and orders carried out unless otherwise directed. When assigned as commanding officer or acting in that capacity, they may delegate this responsibility to a lower ranking officer.

4.26 PATROLLING GEOGRAPHIC AREA:

If applicable by assignment and when time and circumstances permit, patrol their geographic area of responsibility to:

- a. Be informed of relevant public safety issues
- b. Determine whether police duties are being properly performed.
- c. Ensure the efficient handling of all calls for service directed to them and officers under their supervision.

4.27 RESPONSIBILITY WHILE IN PRESENCE OF HIGHER RANKING OFFICER:

Not be relieved from responsibilities and duties regularly assigned to them when in the presence of another officer with higher authority. In such instances they will assist and supervise personnel under the direction of the officer in command.

4.28 INSPECTION OF PERSONNEL AND EQUIPMENT:

Make a careful inspection of officers under their supervision, together with all vehicles and other department equipment assigned to their use, to ensure they are properly uniformed (if applicable by assignment) and equipped for duty. If any are found improperly uniformed, equipped, or unfit for duty,

such fact will be reported at once to their immediate supervisor.

4.29 OBSERVATION OF ACTIVITIES AND OFFICERS:

Routinely observe and follow up the activities of officers under their supervision.

4.30 OFFICERS TO BE AVAILABLE FOR CALLS:

If applicable by assignment, ensure that officers are in-service, available for calls and communication by radio, and not unnecessarily stationary.

4.31 OFFICER ABSENCE / FAILING TO REPORT:

Make diligent investigation into the cause of an officer being absent from their geographic or facility assignment, or who fails to report regularly. Supervisors will promptly report the results to their commanding officer.

4.32 RESPONSE TO CRITICAL INCIDENT AND EMERGENCIES:

If applicable by assignment, respond when appropriate to any critical incident or emergency occurrence of a serious or unusual nature within their geographic or functional area of responsibility. A responding supervisor will assume command unless other personnel with higher authority or geographic / functional responsibility are in command. Supervisors will, when appropriate, notify their commanding officer at the earliest reasonable time. Supervisors will, if necessary, arrange for assistance according to procedures in the Emergency Procedure Plan.

4.33 OFFICERS DETAILED TO PUBLIC GATHERINGS, SECURITY AND SPECIAL DUTIES:

If applicable by assignment, when time and circumstances permit, visit and pay particular attention to all officers under their supervision or area of responsibility detailed to public gatherings, security and other special duty as often as practicable. Whenever practical, sergeants will make necessary provisions for the relief of such personnel when the length or nature of the detail is such that unreasonable personal discomfort would result if relief were not given.

4.34 CONTACTING OFFICERS DURING TOUR OF DUTY:

If applicable by assignment and when time and circumstances permit, routinely contact all officers under their supervision while they are handling calls, during each tour of duty. Supervisors will observe the manner in which their officers respond to and handle calls for service, noting their degree of promptness, efficiency, professionalism, and competence.

4.35 EMPLOYEES OUT OF CONTACT:

When an employee is out of contact without good reason, or there are unusual or extended requests for being out of service, supervisors will investigate and report the results to their immediate supervisor.

4.36 WORK HOURS:

Work identical hours, and/or shifts with officers and employees who report to them, unless otherwise authorized by their commanding officer.

4.37 PATROL FUNCTIONS:

Devote their duty time to patrol functions, supervising the activities of lower ranking officers when time and circumstances permit, and if applicable by assignment. Exceptions to this rule may be designated by their immediate supervisor.

4.38 DISPOSITION OF OFFICERS GOING OFF DUTY:

If applicable by assignment, be responsible for the disposition of all officers scheduled to go off duty. They will ensure that all officers are accounted for, and if any irregularities are noted, take immediate steps to locate such personnel. If an officer is unaccounted for, a supervisor will also:

- a. Notify superior officers.
 - b. Notify supervisors of the oncoming shift (if applicable).
 - c. Ensure other appropriate measures and notifications are made.
-

4.39 OVERTIME USE:

Be responsible for the discretionary use of overtime. Officers assigned to a call for service at the end of their tour of duty that requires considerable time to complete, will be relieved by the oncoming shift when such action will not jeopardize the proper completion of the call.

4.40 ADVERSE REPORTS ON OFFICER UNDER THEIR SUPERVISION:

When appropriate, document in writing to their immediate supervisor adverse reports on any officer under their supervision. When deemed appropriate, any investigative or corrective actions will be forwarded by the district or division commanding officer through channels to the Chief of Police.

4.41 ASSISTING POLICE TRAINING OFFICERS:

Assist police training officers (PTO), regarding the evaluation of probationary officers and the preparation of their performance reports, if necessary and if applicable by assignment.

4.42 ASSISTING SUPERVISORS WITH PROBATIONARY PERFORMANCE EVALUATIONS:

If applicable by assignment, assist other district supervisors with performance evaluations of each probationary police training officer.

4.43 SECONDARY EMPLOYMENT IN TELESTAFF:

Periodically review TeleStaff to be informed of secondary employment police work performed by their subordinates to ensure that officers are in compliance with OMS 114.00, Employment outside the Police Department. Supervisors will ensure that officers and employees update TeleStaff to reflect current addresses and phone numbers.

4.44 IDENTIFYING AND ADDRESSING SUBORDINATE PERFORMANCE DEFICIENCIES:

Continuously examine areas of the police operation under their purview and assume the duties and obligations of their rank in taking proactive measures to identify performance deficiencies of personnel under their command.

Proactively develop and implement effective interventions to correct subordinate performance or behavioral issues or problems and initiate disciplinary action when appropriate. Unless mandated by policy, a supervisory officer must not look to higher authority to take corrective action when performance deficiencies are detected. They will monitor the Early Identification and Intervention System (EIIS) and identify subordinate personnel under their supervision who exhibit performance or behavior contrary to the mission, vision, values, goals, policies or procedures of the department.

Options to address deficiencies include but are not limited to performance plans, informal investigations and journal entries.

4.45 SUBORDINATE TRANSFERS:

Upon transfer of a subordinate to a new assignment, the previous supervisor will ensure that sufficient information, including but not limited to written documentation, PAS reviews, performance improvement plans, and other pertinent information is provided to the new supervisor for successful completion of improvement processes.

4.46 INAPPROPRIATE FAMILIARITIES WITH SUBORDINATES:

Not indulge in inappropriate familiarities with subordinates.

4.47 LAXITY AND INDIFFERENCE BY SUBORDINATES:

Not permit laxity and indifference to be shown by their personnel in the performance of their duties.

4.48 SERVICE OF SUBPOENAS:

When the responsibility is delegated to them, ensure that prompt personal service and proper returns are made on all applicable summonses, subpoenas, writs, and other official papers. They will direct personnel under their supervision to access and use the on-line subpoena system for all subpoenas not personally delivered or served.

5.00 GENERAL DUTIES AND RESPONSIBILITIES OF COMMAND OFFICERS (SWORN RANK OF LIEUTENANT OR HIGHER)

SOME OF THE FOLLOWING DUTIES AND RESPONSIBILITIES ARE NOT APPLICABLE TO ALL COMMAND OFFICER ASSIGNMENTS.

IN ADDITION TO THE DUTIES OF SWORN OFFICERS AND SUPERVISORS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER LEVEL RANKS), COMMAND OFFICERS WILL:

5.01 MISSION, VISION AND VALUES

Be guided by the mission, vision, values, and goals of the department as the foundation for their decision making, management, and leadership of their commands.

5.02 DIRECT SUPERVISION AND CONTROL OVER OFFICERS AND CS EMPLOYEES:

Subject to the orders of the Chief of Police and their immediate supervisor, be responsible for direct supervision and control over all officers and CS employees assigned to their command. They are responsible for efficiency and effectiveness, and will coordinate the functions and activities of units under their command. They will promote harmony among their personnel, and are responsible for the cooperation of their command with all other bureaus, districts, divisions, sections, and units.

5.03 DELEGATION DURING ABSENCE:

Ensure that during their absence, a competent officer (generally holding the next highest grade) will assume temporary command within their district, division, shift, section, or unit.

5.04 ASSIGNMENT OF OFFICERS:

Without specific instructions establish or cause to be established the required details and assignments necessary to carry out the functions of their command. They will be guided by the number of available officers and necessity for assigning officers where they will be the most useful and efficient. They will approve period details to assure that they are adequately supervised and that the assignments are properly filled.

5.05 MAKING ACTING ASSIGNMENTS:

Assign an officer temporarily to the duties of an employee of higher grade as needed.

5.06 COMPLIANCE WITH OPERATIONS MANUAL:

Not countermand the operations manual without sufficient reason.

5.07 RESPONSE TO EMERGENCIES OR SERIOUS/UNUSUAL OCCURRENCES:

When on-duty or on-call and notified, respond to any emergency or occurrence of a significantly serious or unusual nature within their area of responsibility, in accordance with the operations manual. If their presence at the office would be of more value, they will ensure a subordinate officer takes command at the scene. They will also, whenever possible, respond when their personnel are involved in controversy or serious occurrence.

5.08 SERVICE OF SUBPOENAS:

Be responsible for, or delegate the prompt service of all hard copy official notices of subpoenas to subordinates which may be sent to them by proper authority.

5.09 RESPONSIBILITY FOR FACILITIES AND EQUIPMENT:

Be responsible for the good order and sanitary condition of departmental buildings and resources within their command. They are responsible for the proper care, economical use, efficiency and serviceability of departmental property issued or assigned to personnel of their command.

5.10 PROBATIONARY OFFICER PERFORMANCE EVALUATIONS:

Ensure that first line supervisors have created an evaluation for each probationary officer and are making at least one journal entry per work period. Concerns about performance or suitability of the probationary officer for continued employment will be documented within the performance evaluation system and the

commanding officer's immediate supervisor will be kept informed.

5.11 ANALYSIS OF CRIMINAL, TRAFFIC AND OTHER TRENDS:

Be responsible for analysis of criminal, traffic and other trends, and evaluating the effectiveness of techniques and procedures used to address such issues within their area of responsibility.

5.12 CORRESPONDENCE, REPORTS AND RECORDS:

Be responsible for preparation of required correspondence, reports, and maintenance of records relating to the activities of their command.

5.13 PREPARING FOR ANNEXATIONS:

Upon receiving plats of territories to be annexed to the City and County of Denver, review and discuss needs in providing police service to the annexed area. Command officers will make a thorough investigation and analysis to determine challenges and staffing needs to deter crime and provide police service. Issues to be addressed include but are not limited to future police service needs, and acquainting the community in the new areas to be annexed with available police services. A final written report with recommendations will be forwarded through the chain of command to the Chief of Police.

RANK AND ASSIGNMENT SPECIFIC

6.00 DUTIES AND RESPONSIBILITIES OF PATROL OFFICERS

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, PATROL OFFICERS WILL:

6.01 CARRYING OUT DEPARTMENT FUNCTIONS:

Be responsible for carrying out the functions of the department and will constantly direct their best efforts to accomplish that end intelligently and efficiently, in readiness at all times to answer calls for service.

6.02 RESPONSIBILITY FOR ASSIGNED AREA:

- a. Be held accountable for the good order of the district, precinct, or post to which they have been assigned. They will give their whole attention to their duties at all times.
- b. Thoroughly familiarize themselves with their district or precinct, learning the location of streets, alleys, businesses, residential areas, parks, and various other locations and points of interest.
- c. Familiarize themselves with people on their post and in their precinct. When possible they will develop positive relationships and become informed of criminal activity and other issues affecting the community's quality of life. They will familiarize themselves with the varied activities of their post or precinct as a means of recognizing unusual or suspicious activity, and will investigate such incidents accordingly.
- d. When available time and circumstances permit, continuously patrol throughout their precinct or post as often as possible, giving particular attention to and frequently rechecking locations where the crime rate is elevated.
- e. To the degree possible, will not patrol their precinct or post according to any fixed route or schedule, but will alternate frequently and backtrack in order to be in a location least expected.
- f. Remain in their respective posts or precincts until fifteen minutes before the end of their shift.

6.03 POLICE MISSION:

Accomplish the police mission within their district or precinct, constantly directing their best efforts toward the professional, ethical, and efficient completion of that end.

6.04 INCIDENT REPORTING - INVESTIGATIONS - APPROPRIATE ACTION:

- a. Report to the dispatcher all dead animals found upon public property, the location of traffic signal lights which are out of order, and street lights that are not functioning properly.

- b. Immediately report any fire they observe or is reported to them, and when available respond to all fire calls within their post or precinct.
- c. Upon sight or receipt of information from any source of a serious accident, crime or other occurrence requiring police attention, immediately respond and give such assistance or take such action as circumstances may require.
- d. Investigate all complaints and cases which are assigned to them or which are brought to their attention, and take appropriate action in those cases which come under the jurisdiction of the Denver Police Department. They will interview a complainant or informant, maintaining confidentiality and his/her identity when appropriate. They will take all necessary and reasonable actions to satisfy involved persons, and will make reports as required by policy.
- e. Investigate traffic accidents and complete required reports and enforcement actions.
- f. Observe persons whom they encounter and investigate suspicious incidents and behavior that may indicate a crime has occurred, is occurring, or is about to occur.

6.05 PROPER BEARING:

Maintain an alert, professional, and courteous manner. They will not conceal themselves except for a reasonable and specific police purpose.

6.06 LOITERING ABOUT POLICE FACILITIES, PUBLIC OR PRIVATE BUILDINGS:

While on-duty, not loiter in or about police facilities, public or private buildings, or other locations without a viable police purpose.

6.07 RENDERING ASSISTANCE WITHIN CITY & COUNTY OF DENVER:

Give assistance in the protection of persons and property anywhere within the City and County of Denver, if called upon in any situation requiring immediate attention. At first opportunity and when appropriate, they will report to their supervisory officer the fact that they left their post or precinct and the reason for doing so.

6.08 SHORT AND LONG BREAKS:

Request clearance from the dispatcher for short and long breaks and will state their location. If approved, the dispatcher will acknowledge and hold them out on the air at their location.

6.09 CRIME PREVENTION:

- a. Advise business owners and employees regarding suitable crime prevention and other security measures. They will urge cooperation with the police in reporting all suspicious persons and situations.
- b. Use lawful and necessary means to prevent the commission of crimes, including the suppression of vice and narcotics activity within their post or precinct. They will report to their supervisor, buildings or locations being used for criminal activity.
- c. When time and circumstances permit, they will give particular attention to places where criminal activity is believed to occur and persons suspected in crimes are known to congregate. They will use every lawful, appropriate, and necessary means to suppress illegal activities.
- d. At locations where large crowds are assembled, preserve order and prevent the commission of crimes, the blocking of traffic, and the destruction or damaging of property.

6.10 BUSINESS AREA PATROL:

At night and during the time businesses are closed, give particular attention to businesses and vacant or unoccupied buildings and dwellings, or residents and people who have requested police service. They will frequently examine and check accessible points of entry, and will investigate suspicious and unusual circumstances. In the daytime they will examine in a like manner vacant or unoccupied buildings and dwellings on their post or precinct.

6.11 MOTOR VEHICLES:

Give particular attention to motor vehicles, being alert for vehicles that have been stolen or used in the commission of a crime, or that are improperly operated or illegally parked.

6.12 CONDITIONS WHICH TEND TO ENDANGER OR INCONVENIENCE THE PUBLIC:

Take notice of nuisances, impediments, obstructions, defects, or other conditions in or adjacent to the streets alleys and public places, which tend to endanger the health, safety, or convenience of the public.

6.13 RECORDS MANAGEMENT:

At or before the completion of their tour of duty, route or submit all reports concerning their police activities through established records management procedures. The filing of these reports will not be left until the following day.

6.14 OUT OF SERVICE ACTIVITIES:

Conduct out-of-service activities or other non-police functions only where telephone, cell phone, or radio contact is available (rare exceptions such as court appearances may occur), and when appropriate, after the dispatcher has been notified. All such out of service activity is subject to the approval of the dispatcher or a supervisor.

6.15 IN-SERVICE CALLS:

Be available by radio and subject to answering calls for service when handling in-service calls as designated by the dispatcher. In-service means subject to answering radio calls.

6.16 CALLS FOR SERVICE TOWARD END OF SHIFT:

Upon receiving calls for service within a few minutes of their relief time, take the call. With the knowledge and consent of their supervisory officer, such calls may be assigned to the oncoming shift. This procedure will apply to calls of a minor nature where a short delay will not jeopardize the proper handling of the call or cause unnecessary inconvenience for the complainant. The consenting supervisor will inform the dispatcher of the action taken.

6.17 COURT APPEARANCES:

- a. When scheduled to appear in court, notify their supervisor or commanding officer at or prior to roll call so that arrangements can be made, if possible, for their relief during this period.
- b. When working a two-officer assignment, arrange for court appearances by only one of the officers where such procedures do not jeopardize prosecution of the case.

6.18 TWO-OFFICER ASSIGNMENT TRANSITIONING TO SOLO STATUS:

When a car or post is normally staffed with two officers, the dispatcher will be notified when one of the officers is no longer available for assignments or calls for service.

6.19 GOING TO DISTRICT STATION:

When it becomes necessary to go to their district station, immediately notify the dispatcher. When appropriate they will remain in service and subject to calls for service.

6.20 CLERK RESPONSIBILITIES:

When assigned as a clerk (stations and headquarters officers):

- a. Be directly responsible to the command or supervisory officer of the detail or unit they are assigned.
 - b. Receive and complete reports, and carry out other duties as directed by their commanding or supervisory officer.
 - c. Answer promptly all telephone communications in a manner prescribed by policy and procedure, and analyze calls to determine if transferring to a supervisory or command officer is necessary. Whether communicating by phone, electronically, or in person, officers will at all times display courtesy, respect and patience, and identify themselves by rank and their last name.
 - d. Not transfer telephone calls that concern the police department to another office unless absolutely
-

- necessary, but should handle the call, make a General Occurrence (GO) report (if applicable), and refer information to the proper officer or bureau, division, district, section, or unit. When assisting with or providing counter reports to citizens, they will advise the citizen that a counter report is for incidents occurring in the City and County of Denver.
- e. Not handle or receive information in reference to complaints on police officers, but should immediately direct the call to the Internal Affairs Division, or to a supervisory or command officer. If neither is available and are unable to call the complainant within a reasonable period, the person should be advised to call or appear in person at the Internal Affairs Division. The complainant will be advised of the phone number for the Internal Affairs Division, as well as the hours that headquarters is open for the public to appear.
 - f. They will give special attention to subjects appearing in person at a district station or headquarters, and will handle their request for service expeditiously and in the manner as prescribed by policy.

7.00 DUTIES AND RESPONSIBILITIES OF TECHNICIANS

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, TECHNICIANS WILL:

- 7.01** Perform an auxiliary or line function at the discretion of the Chief of Police.
- 7.02** Based on department need be assigned to any bureau, division, district, section, or unit. Appointment to technician may require an officer with specific skills or training.
- 7.03** Demonstrate the necessary initiative, resourcefulness, intelligence, alertness, observation, and judgment for their specific duties.
- 7.04** Continue their education, training, and self orientation efforts in order to advance in their specific area of responsibility, and may be assigned to technical tasks.
- 7.05** Strive to develop and disseminate improved administrative and technical practices, and promote their use in police functions.

8.00 DUTIES AND RESPONSIBILITIES OF CORPORALS

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, CORPORALS WILL:

8.01 ASSUMING SUPERVISORY DUTIES:

Be prepared to assume any or all of the duties and responsibilities of a supervisor when the following circumstances occur:

- a. Serving as an acting sergeant.
- b. In the absence of a sergeant, command and control at the scene of crimes, vehicle pursuits, critical incidents or other situations necessitating the need for a supervisor.
- c. In the absence of a sergeant, sign and be responsible for reports completed by officers that require the signature (actual or electronic) of a reviewing or approving officer (i.e., Traffic Accident reports, General Occurrence {GO} reports, etc.)
- d. In coordination with or at the direction of a sergeant or command officer.

8.02 COMBINED REQUIRED FUNCTIONS:

Perform all of their required functions in conjunction with the duties of their field assignments and will be responsible for all duties and responsibilities of police training officers and patrol officers.

8.03 POLICE TRAINING OFFICER RESPONSIBILITIES:

Have as a primary responsibility the role of field instructor (Police Training Officer). Corporals will follow

protocols and procedures outlined in the Police Training Program. The immediate supervisor of the corporal must take into consideration the demands of training and plan accordingly.

8.04 ADMINISTER ROLL CALL TRAINING.

8.05 ASSISTING SUPERVISORS:

- a. Assist sergeants with event planning and preparing a police response.
- b. Assist with shift operations by articulating situations needing resolution and matters of importance to their supervisor or commanding officer.

9.00 DUTIES AND RESPONSIBILITIES OF DETECTIVES

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, DETECTIVES WILL:

9.01 PREVENTION AND SUPPRESSION OF CRIME:

Through investigative procedures, officers assigned as detectives will direct their best efforts in the prevention and suppression of crime, and in the detection and apprehension of criminal suspects. Under no circumstances will they make public any information that might jeopardize the successful completion of the investigation or the apprehension of the perpetrator.

9.02 EXAMINATION OF PHYSICAL EVIDENCE:

Make requests for the examination of physical evidence to the Forensics and Evidence Division.

9.03 INVESTIGATIVE PROCESS:

- a. Be responsible for the proper investigation of cases assigned to them.
- b. Interview complainants, victims and witnesses without delay, properly identify themselves and if appropriate, periodically consult with complainants and victims regarding the progress of cases until they have been officially closed. Attempt to notify crime victims when there is a change in the status of their case, and include the details in their supplemental report
- c. Keep their supervisor informed on the progress of cases assigned to them.
- d. Include in supplementary reports, the action on each case in which they performed any work. Detectives will make such daily, monthly, or other periodic reports required by their commander.
- e. When they receive assistance on an assigned case, note such facts on their report so that the assisting officer may receive due credit. It will be the duty of detectives to render assistance, when requested, to other personnel, but they will not interfere with or work independently upon any case except by direction of their supervisor or commanding officer.
- f. Give their immediate attention to the interrogation of suspects jailed for investigation and will expedite the filing of formal charges or the release of the arrestee, consistent with sound investigation procedures. Take formal statements from such suspects where practicable, assemble evidence, and prepare reports required for the filing of criminal cases through the Denver District Attorney's Office.
- g. Make every effort to recover stolen property as reported in the cases assigned to them.

9.04 RANKING OFFICER AT CRIME OR ACCIDENT SCENE:

- a. When serving as the ranking officer of the involved investigative division, section, or unit at the scene of a crime or serious vehicle collision, they will be in charge of the immediate crime or crash scene without regard to the rank of officers present from any other division. The detective will not have either the responsibility or authority for the protection of the area, perimeter control, traffic direction, command post, or any other functions normally assigned to uniformed officers.
 - b. Request any needed assistance or the assignment from the concerned patrol command post officer (if one is present) or through the regular chain of command of the affected district or
-

section of uniformed officers to their supervision.

- c. If requested, provide all available information about the case to the on duty commanding officer of the affected district or section.

9.05 DETAILS OUTSIDE THE CITY:

When detailed outside the City and County of Denver, communicate with their supervisor or commanding officer as may be necessary during their absence.

9.06 ASSISTING OTHER DIVISIONS:

- a. Provide reasonably requested information and assistance to other divisions of the police department and maintain an efficient level of cooperation and coordination in affected areas.
- b. Establish and maintain effective lines of communication with patrol personnel, using face to face contact situations such as roll call training sessions. Detectives are encouraged to appear at roll calls to give information about wanted persons, crime patterns, and on-going investigations.

9.07 COOPERATION WITH OUTSIDE AGENCIES:

Be responsible for maintaining close cooperation and friendly working relationships between their division or district and other law enforcement agencies, as well as with the other divisions and districts within the department.

9.08 PERSONS POSSESSING CONFIDENTIAL INFORMATION:

Contact and maintain friendly relations with persons who are likely to be in a position to provide them with information of a confidential nature that would be helpful in the performance of their duties.

9.09 COURT PROCEEDINGS:

Be responsible for the proper preparation of court cases and the competent presentation of evidence in court or at hearings.

9.10 PATTERN CRIMES:

Be alert for the occurrence of multiple crimes showing similarity in modus operandi or in the same general location indicating similar crime operations. They will inform their supervisor or commanding officer of situations that may indicate a need for increased patrol or enforcement in specific areas.

10.00 DUTIES AND RESPONSIBILITIES OF SERGEANTS (FIRST LINE SUPERVISOR)

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS AND SUPERVISORS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER LEVEL RANKS), SERGEANTS WILL:

10.01 PATROL SECTOR SUPERVISOR:

When assigned as a district sector supervisor, patrol their district, visiting each precinct and post as often as practicable, but not at stated intervals.

10.02 ENSURE PERSONNEL REPORT TO ASSIGNMENTS:

Unless otherwise directed, ensure that all personnel proceed directly to their precincts, posts or details without unnecessary delay.

10.03 VIOLATIONS OF LAW COMMITTED IN PRESENCE:

Not interfere with the routine work of another district, but violations of law committed in their presence will receive their immediate attention when the officer specifically responsible is not present.

10.04 REVIEWING REPORTS AND DATA:

Review General Occurrence (GO) reports and crime analysis data specific to their assignment.

10.05 ASSISTING LIEUTENANTS:

Assist lieutenants with planning by apprising them of personnel issues or situations.

10.06 ACTING DUTIES:

When designated as acting lieutenant, the sergeant will perform the necessary duties of the lieutenant in his/her absence.

11.00 DUTIES AND RESPONSIBILITIES OF LIEUTENANTS (COMMAND RANK)

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), LIEUTENANTS WILL:

11.01 ASSISTING COMMANDER OR CAPTAIN:

Under the supervision of a commander or captain, act as an assistant during the commander's or captain's tour of duty. In the absence of a commander or captain, the senior ranking lieutenant will be in charge of the division, district, bureau, section, or unit unless otherwise directed.

11.02 ACTING DUTIES:

- a. During the prolonged absence of the captain or commander, a lieutenant may be designated as acting captain or commander.
- b. Arrange sergeants' days off and vacation schedules in an attempt to ensure that a sergeant is available to serve in an acting lieutenant capacity when necessary.

11.03 ADMINISTRATIVE, SUPERVISORY AND OPERATIONAL DUTIES:

Complete administrative, supervisory, and operational duties as assigned by their immediate supervisor or superior officers.

12.00 DUTIES AND RESPONSIBILITIES OF CAPTAINS OR CAREER SERVICE MANAGERS (APPLICABLE SECTIONS)

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), CAPTAINS WILL:

12.01 GENERAL RESPONSIBILITIES:

Be responsible for the discipline, morale, necessary and proper training, safety, conduct, work performance, and assignment of all department personnel under their command. They will coordinate the efforts of all officers of their command toward achievement of police objectives, eliminating friction, criticism, and inefficiency. They will promote harmony and always concern themselves with the care and welfare of their personnel.

12.02 PLANNING AND POLICY PROGRAMS:

- a. Direct and supervise planning and policy programs within their section. They will see to the coordination and follow up of all programs originating from their section with the plans and policy of other department divisions, districts, or sections.
- b. When applicable, be responsible for the planning and execution of programs designed to prevent and suppress crime and traffic accidents, detect and apprehend criminal and traffic offenders, protect and recover property, and solve problems of concern to the department.

12.03 INSPECTIONS AND FACILITY MANAGEMENT:

- a. When applicable, make inspections of their area of responsibility, personnel, facilities, and equipment at irregular intervals and hours of the day and night.
- b. When applicable, be responsible for the safe condition of cells and detention rooms, and the security of all parts of their assigned station or facility which are designed for the safekeeping of arrestees.

12.04 ESTABLISHING MINOR RULES AND REGULATIONS:

When necessary, establish minor rules and regulations for personnel under their supervision, consistent with the operations manual, orders, rules, regulations, and established procedure of the department.

Inter-division or inter-section procedures or policies that do not affect the entire department will be by directive from the level initiating to the level of execution. For information purposes, directives will also be forwarded to the next highest level of command. Inter-division or inter-section procedures or policies, and division or section directives will be forwarded to the Planning, Research and Support Section for possible incorporation into the operations manual.

12.05 ADMINISTRATIVE, SUPERVISORY AND OPERATIONAL DUTIES:

Complete administrative, supervisory, and operational duties as assigned by their commander, deputy chief, or the Chief of Police.

12.06 ENFORCEMENT OF LAWS AND DEPARTMENT POLICY:

Exercise such powers connected with their position as may be provided by ordinance, charter, or department policy. When applicable, captains are responsible for the proper and efficient enforcement of all laws and ordinances, which the police department is authorized to enforce within their area of responsibility. Captains will also enforce departmental rules, regulations, policies, and procedures.

12.07 MISSION, VISION, VALUES – GOALS – STRATEGIC PLAN:

Be guided by the department's mission, vision, values and goals, and the strategic plan as the foundation for their decision making, management, and leadership of their commands.

12.08 GENERAL POLICIES AND ORDERS OF THE CHIEF OF POLICE:

Carry out the general policies and orders of the Chief of Police, and perform any and all duties assigned by the Chief of Police (or designee).

12.09 AREA OF RESPONSIBILITY:

If applicable, be responsible for all police operations within their respective area of responsibility, twenty-four (24) hours per day, unless granted leave by their commander. Captains will organize and direct their commands for the efficient operation of all police service within their respective area of responsibility. When applicable, captains will so regulate their command that, at all times during their absence, to the degree possible it will be under the command of a competent officer not lower in grade than lieutenant.

12.10 INTERNAL AND EXTERNAL ISSUES:

Be responsible for staying abreast of all issues that may impact their area of responsibility, both internally and within the community, and will keep their superiors informed of issues in a timely manner. Captains will focus their attention on the effective and efficient delivery of police service within their area of responsibility.

12.11 LEADERSHIP:

Provide vigorous and positive leadership in accomplishing the department's goals, and advancing the programs and mandates of their superiors.

12.12 DISSEMINATION OF INFORMATION:

Be responsible for the accurate dissemination of information from their commander to their own subordinates. Within their area of responsibility, they are also responsible for supporting and implementing policies, procedures, and programs established by the department.

12.13 PROBLEM SOLVING:

Be actively involved in problem solving for all issues and concerns within their area of responsibility. Captains will formulate solutions to problems and coordinate an effective response.

12.14 MISSION ACCOMPLISHMENT:

Exercise control over all members assigned under their command to the end that the duties and responsibilities of their particular segment of the total police mission will be promptly and efficiently performed and discharged.

12.15 ANTICIPATING EMERGENCIES:

To the degree possible, anticipate emergencies and formulate procedures to be used in the event of such procedures.

12.16 INCREASING EFFECTIVENESS:

Study obstacles and critically observe procedures affecting the operation of their assignment and police service under their direct control so that they may recommend and implement changes designed to increase their effectiveness.

12.17 DRAFTING POLICIES AND PROCEDURES:

Draft policies and procedures for review and approval by the Chief of Police related to issues and concerns within their respective areas of responsibility. They will make suggestions that are in the best interest of the department.

13.00 DUTIES AND RESPONSIBILITIES OF COMMANDERS AND CAREER SERVICE DIRECTORS (APPLICABLE SECTIONS)

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), COMMANDERS WILL:

13.01 GENERAL RESPONSIBILITIES:

Be responsible for the discipline, morale, necessary and proper training, safety, conduct, work performance, and assignment of all Department employees under their command. They will coordinate the efforts of all officers of their command toward achievement of police objectives, eliminating friction, criticism, and inefficiency. They will promote harmony and always concern themselves with the care and welfare of their personnel.

13.02 PLANNING AND POLICY PROGRAMS:

- a. Direct and supervise planning and policy programs within their division or district. They will see to the coordination and follow up of all programs originating from their division or district with the plans and policy of other department divisions, districts, or sections.
- b. When applicable, be responsible for the planning and execution of programs designed to prevent and suppress crime and traffic accidents, detect and apprehend criminal and traffic offenders, protect and recover property, and solve problems of concern to the department.

13.03 INSPECTIONS AND FACILITY MANAGEMENT:

- a. When applicable, make inspections of their area of responsibility, personnel, facilities, and equipment at irregular intervals and hours of the day and night.
- b. When applicable, be responsible for the safe condition of cells and detention rooms, and the security of all parts of their assigned station or facility which are designed for the safekeeping of arrestees.

13.04 ESTABLISHING MINOR RULES AND REGULATIONS:

When necessary, establish minor rules and regulations for personnel under their supervision, consistent with the operations manual, orders, rules, regulations, and established procedure of the department.

Inter-division or inter-section procedures or policies that do not affect the entire department will be by directive from the level initiating to the level of execution. For information purposes, directives will also be forwarded to the next highest level of command. Inter-division or inter-section procedures or policies, and division or section directives will be forwarded to the Planning, Research and Support Section for possible incorporation into the operations manual.

13.05 ADMINISTRATIVE, SUPERVISORY AND OPERATIONAL DUTIES:

Complete administrative, supervisory, and operational duties as assigned by their deputy chief or the

Chief of Police.

13.06 ENFORCEMENT OF LAWS AND DEPARTMENT POLICY:

Exercise such powers connected with their position as may be provided by ordinance, charter, or department policy. When applicable, commanders are responsible for the proper and efficient enforcement of all laws and ordinances, which the police department is authorized to enforce within their area of responsibility. Commanders will also enforce departmental rules, regulations, policies, and procedures.

13.07 MISSION, VISION, VALUES – GOALS – STRATEGIC PLAN:

Be guided by the department's mission, vision, values, and goals, and the strategic plan as the foundation for their decision making, management, and leadership of their commands.

13.08 GENERAL POLICIES AND ORDERS OF THE CHIEF OF POLICE:

Carry out the general policies and orders of the Chief of Police, and perform any and all duties assigned by the Chief of Police (or designee).

13.09 AREA OF RESPONSIBILITY:

Be responsible for all police operations within their respective area of responsibility, twenty-four (24) hours per day, unless granted leave by their deputy chief. Commanders will organize and direct their commands for the efficient operation of all police service within their respective area of responsibility. Commanders will so regulate their command that, at all times during their absence, it will be under the command of a competent officer not lower in grade than a lieutenant.

13.10 INTERNAL AND EXTERNAL ISSUES:

Be responsible for staying abreast of all issues that may impact their area of responsibility, both internally and within the community and will keep their superiors informed of issues in a timely manner. Commanders will focus their attention on the effective and efficient delivery of police service within their area of responsibility.

13.11 LEADERSHIP:

Provide vigorous and positive leadership in accomplishing the department's goals, and advancing the programs and mandates of their superiors.

13.12 DISSEMINATION OF INFORMATION:

Be responsible for the accurate dissemination of information from the senior command staff to their own subordinates. They are also responsible for supporting and implementing policies, procedures, and programs established by the department within their area of responsibility.

13.13 PROBLEM SOLVING:

Be actively involved in problem solving for all issues and concerns within their area of responsibility. Commanders will formulate solutions to problems and coordinate an effective response.

13.14 MISSION ACCOMPLISHMENT:

Exercise control over all members assigned under their command to the end that the duties and responsibilities of their particular segment of the total police mission will be promptly and efficiently performed and discharged.

13.15 ANTICIPATING EMERGENCIES:

To the degree possible anticipate emergencies and formulate procedures to be used in the event of such procedures.

13.16 INCREASING EFFECTIVENESS:

Study obstacles and critically observe procedures affecting the operation of their assignment and police service under their direct control so that they may recommend and implement changes designed to increase their effectiveness.

13.17 DRAFTING POLICIES AND PROCEDURES:

Draft policies and procedures for review and approval by the Chief of Police related to issues and concerns within their respective areas of responsibility. They will make suggestions that are in the best interest of the department.

13.18 CONFERRING WITH DEPUTY CHIEF:

Confer with their respective deputy chief or the Chief of Police before taking any of the following actions:

- a. Making important changes in the organization of their command.
- b. Making important changes in operating procedure.
- c. Leaving the city for a longer period than the normal weekly relief.

14.00 DUTIES AND RESPONSIBILITIES OF DEPUTY CHIEFS

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), DEPUTY CHIEFS WILL:

14.01 UNDER DIRECT SUPERVISION OF THE CHIEF OF POLICE:

Be under the direct supervision of the Chief of Police and will perform such duties so long as his/her performance is satisfactory to the Chief of Police. Deputy chiefs will carry out the policies, orders, and duties assigned by the Chief of Police.

14.02 ACTING DUTIES:

Serve as the acting Chief of Police (when assigned) due to the Chief's absence or incapacitation.

14.03 INCREASING EFFECTIVENESS:

Address obstacles preventing the department from functioning efficiently, including but not limited to lack of authority, inadequate legislation, delays in prosecution, cooperation with other municipal employees, and outside influences. Deputy chiefs of police will take the necessary steps to rectify such situations.

14.04 MORALE AND DISCIPLINE:

Assist the Chief of Police in strengthening and maintaining department morale, and administering appropriate discipline.

14.05 COOPERATIVE RELATIONSHIPS:

Establish and maintain cooperative relationships between the police department and other agencies.

14.06 DIRECTION OF OPERATIONS AND ADMINISTRATION BUREAUS

Be responsible for the direction of the Operations and Administration Bureaus and their respective divisions, districts, sections, and units. Commanding officers will report directly to their respective deputy chief.

- a. Organize for efficient operation all activities of divisions, districts, sections, and units under their command.
 - b. Exercise control over all personnel assigned to their bureaus, divisions, districts, sections, and units to ensure that the duties and responsibilities of their bureau are performed effectively and efficiently.
 - c. Hold frequent staff meetings with command personnel of those bureaus, divisions, districts, and sections under their direct command where problems and suggested procedural changes may be discussed.
 - d. Critically observe procedures affecting the operation of those bureaus, divisions, districts, sections, and units under their direct control, and when appropriate implementing or recommending changes designed to increase their effectiveness.
-

- e. Coordinate efforts of all officers under their direct command toward achieving police objectives, eliminating or reducing friction, criticism, and inefficiency.
- f. Approve all requisitions or for bureaus, divisions, districts, sections, and units under their command and have them prepared for presentation to the Executive Director of Safety, subject to approval of the Chief of Police.

14.07 EMPLOYEE HEARINGS:

Hold a hearing at 9:00 a.m. on the next business day following an emergency relieving of duty of a bureau, division, district, section, or unit employee under his/her direct command, and make appropriate recommendations for disposition to the Chief of Police.

14.08 CAREER SERVICE DISCIPLINARY CONFERENCES:

At the direction of the Executive Director of Safety, the deputy chiefs of police are responsible to hold disciplinary conferences for Career Service employees under their direct command. This function may be delegated by the deputy chiefs to a lower ranking command or supervisory officer.

14.09 DEPARTMENT BUDGET:

Be responsible for preparation and execution of the department's budget and fiscal affairs in a manner intended to convert resources into the maximum effective police service with the highest degree of economy.

14.10 TRAINING:

Be responsible for ensuring all department personnel receive training to effectively and efficiently perform their job duties and responsibilities.

14.11 APPOINTMENT AND PROMOTION PROCEDURES:

In conjunction with the Executive Director of Safety and Chief of Police, evaluate procedures used in selecting officers for appointment and promotion to help ensure that only ethically, intellectually, emotionally, physically, and morally qualified officers are appointed; ensure that employees coming to their attention who fail to meet prescribed standards of performance during or following training are dismissed during their probationary period; and remove from the department those who demonstrate indifference, incompetence, or dishonesty at any future date of service.

14.12 RECORD RETENTION:

Cause to be kept complete, records of the department to be prepared and retained. The deputy chiefs of police are responsible for the preparation of records and forms, and for daily, monthly, and annual reports of their respective bureaus.

14.13 PERIODIC EQUIPMENT SURVEYS

Conduct or cause to be conducted periodic surveys of physical equipment and arrange for the salvaging of discarded or impaired items.

14.14 EXCUSING SUBORDINATE FROM TOUR OF DUTY:

Excuse a subordinate from one tour of duty or designate such authority when appropriate.

14.15 MAYORAL SECURITY:

Provide for the security of the Mayor of the City and County of Denver (Deputy Chief of Operations).

15.00 DUTIES AND RESPONSIBILITIES OF THE CHIEF OF POLICE

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), THE CHIEF OF POLICE WILL:

15.01 EXECUTIVE HEAD OF POLICE DEPARTMENT:

Serve as the executive head of the police department. All orders and directives to the police department

emanating from the Executive Director of Safety will be directed through the Office of the Chief of Police.

15.02 FORMULATION AND ENFORCEMENT OF DEPARTMENTAL POLICIES:

Formulate and enforce departmental policies and exercise such powers connected with this office as may be provided by ordinance and charter. The Chief is responsible for the proper and efficient enforcement of all laws and ordinances which the police department is authorized to enforce. The Chief will discharge the responsibilities imposed on this office by charter and ordinance.

15.03 DISSEMINATION OF ORDERS:

Disseminate such orders to the employees of the police department as may be deemed proper. All orders will conform to the law and the rules and regulations of the police department, and will remain in full force and effect until rescinded.

15.04 ANTICIPATING EMERGENCIES:

Anticipate to the degree possible, emergencies and significant occurrences, and formulate procedures to be used in such events. .

15.05 DESIGNATION OF OFFICERS TO APPOINTED RANKS:

- a. Designate patrol officers to perform work as detectives, technicians, or corporals and may, at the chief's pleasure, return them to the rank and duties of patrol officer.
- b. Assign one or more persons of the rank of captain or lieutenant in the classified service of the police department to perform the duties of commander.
- c. With approval of the Executive Director of Safety, assign one or more persons of the rank of commander, captain, or lieutenant in the classified service of the police department to perform the duties of deputy chief.

15.06 DESIGNATION OF COMMANDING OFFICERS:

Confer with the deputy chiefs in the designation of commanding officers of divisions, districts, sections, and units.

15.07 MAINTAINING DISCIPLINE:

Maintain appropriate discipline throughout the department. The Chief is responsible for the enforcement of police department rules and regulations, and the satisfactory conduct and general behavior of police officers and CS employees, and will require them to give close attention to their duties and conform to department policies and procedures.

15.08 ALLEGATIONS OF OFFICER MISCONDUCT:

Be responsible for the investigation of all allegations of misconduct made against officers. Complaints against CS employees will be addressed through the Denver Department of Public Safety Human Resources. The Chief will assure that all evidence relating to alleged offenses is discovered and properly documented.

15.09 RELATIONS WITH EXTERNAL PUBLIC OFFICIALS AND LAW ENFORCEMENT AGENCIES:

Personally represent or designate a representative for all external relations, including contacts with other public officials and law enforcement agencies.

15.10 COMMUNITY RELATIONS:

Create and maintain favorable relations between the public and the police, and establish policies for the department governing community relations.

15.11 CONFERRING WITH THE EXECUTIVE DIRECTOR OF SAFETY:

Confer with the Executive Director of Safety before leaving the city for an extended period, or making important changes to:

- a. Duties of the deputy chiefs.
 - b. Organization of the department.
-

- c. Operating procedure.

15.12 REPORTING TO THE EXECUTIVE DIRECTOR OF SAFETY

Report immediately to the Executive Director of Safety on any of the following incidents:

- a. Appointment and removal of employees from any appointed position.
- b. Suspension of an employee or volunteer of the police department.
- c. Death of any member.
- d. Critical injury in the line of duty of any employee or volunteer.

15.13 DELEGATION OF AUTHORITY:

Delegate to commanding officers an authority commensurate with their responsibilities, giving them full authority within the restrictions imposed by higher authority to direct and discipline employees under their command.

15.14 OPERATIONS MANUAL:

Outline in the operations manual the duties of bureaus, divisions, districts, sections, units, and employees of the department. The chief will formulate and publish departmental procedures and revise procedures and duty assignments as needed.

15.15 DESIGNATING AN ACTING CHIEF OF POLICE:

During his/her extended absence, designate a deputy chief as the acting Chief of Police. For this period the deputy chief will be regarded as the representative of the Chief of Police, and as such, his/her directions will be obeyed throughout the department.

15.16 ORGANIZING THE DEPARTMENT:

Organize the department so that related tasks and activities may be grouped for assignment to a unit under the supervision of a supervisory or command officer. The Chief will establish a logical and clear chain of command with defined channels of communication, responsibility, and authority. The Chief will prepare or cause to be prepared a department organization chart showing the functions and control of the various units. The chief will revise the organization as needed to maintain effective operation and control.

15.17 ENSURING EFFECTIVE ADMINISTRATION POLICE DEPARTMENT:

Establish such necessary control devices and organize personnel and equipment to meet current needs to ensure effective administration of the police department.

15.18 ASSIGNING PERSONNEL:

Be responsible for assigning personnel to their various duties and approve the transferring of employees from one unit to another.

15.19 PLANNING AND EXECUTION OF PROGRAMS:

Be responsible for the planning and execution of programs designed to suppress crime and accidents, detect and apprehend criminal and traffic offenders, protect and recover property, and regulate non-criminal conduct affecting public safety such as traffic control and crowd management.

15.20 HUMAN RESOURCES:

In coordination with the Executive Director of Safety, be responsible for the discipline, safety, conduct, work performance, assignment, selection, appointment, and promotion and demotion (in accordance with Civil Service and Career Service Rules) of all employees of the department.

15.21 DISCIPLINARY RECORDS:

Ensure that a complete written record of each sustained disciplinary case is made a part of a disciplined employee's personnel file.

15.22 CUSTODIAN OF RECORDS:

Serve as the custodian of all books, records, reports, manuals, photographs, and documents of the

department, and will be considered the agent of service for all subpoenas requesting the production from the police department of said documents.

15.23 REGULAR STAFF MEETINGS:

Conduct regular staff meetings with the deputy chiefs and other persons conducting department business, and encourage regular staff meetings by commanding officers of bureaus, divisions, districts, sections, and units.

15.24 DEPARTMENT GOALS AND OBJECTIVES:

Each January, upon receipt and review of the goals and objectives from the deputy chiefs, the Chief of Police will prepare the department's goals and objectives. The Chief of Police will then implement the distribution of goals and objectives to affected personnel.

16.00 DUTIES AND RESPONSIBILITIES OF POLICE RESERVE OFFICERS

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, DENVER POLICE RESERVE OFFICERS WILL:

16.01 UNPAID VOLUNTEERS:

Serve as unpaid volunteers, whose purpose is to augment field strength of the department. Police reserve officers will only work assignments approved by their chain of command at their assigned district, or by the Police Reserve Coordinator. All reserve assignments must conform to the parameters set forth in C.R.S. 16-2.5-110(1).

16.02 SERVING AT DISCRETION OF CHIEF OF POLICE:

Serve at the discretion of the Chief of Police. Service as a police reserve officer neither possesses nor acquires any employment right or benefit either through the Denver Police Department, or the Denver Civil Service authority. Service in the Reserve Program does not in any way guarantee acceptance in the future into the lateral/reserve entry program of the Denver Police Department.

16.03 BE PERMITTED TO EXERCISE POLICE AUTHORITY AND CARRY FIREARMS ONLY WHEN IN UNIFORM AND ON AN AUTHORIZED ASSIGNMENT.

16.04 SUBJECT TO ALL DEPARTMENT RULES AND REGULATIONS:

Be subject to all department rules and regulations, operations manual provisions, and orders and directions of full time regular Denver police officers.

16.05 STATUS MAY BE TERMINATED BY CHIEF OF POLICE:

Status as a police reserve officer can be terminated at any time for violation of any rule, regulation, policy, procedure, or law for unsatisfactory or substandard performance or anytime the Chief of Police deems necessary. Termination from the police reserve program is not subject to appeal. Any expense or cost incurred by police reserve officers as part of service in the Police Reserve Program will not be reimbursed upon termination.

17.00 DUTIES AND RESPONSIBILITIES OF CIVILIAN REPORT TECHNICIANS

17.01 PURPOSE:

The Civilian Report Technician program consists of two different positions that provide auxiliary report writing services; Property Report Technicians (PRT) and Crash Report Technicians (CRT).

17.02 CIVILIAN REPORT TECHNICIAN POLICY MANUAL:

Civilian Report Technicians will comply with the Civilian Report Technician Policy Manual (available through Power DMS).

17.03 COMPLIANCE WITH OPERATIONS MANUAL:

Where applicable, report technicians will comply with the Denver Police Department Operations Manual.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



101.00 GENERAL PHILOSOPHY

REVISED: 01/27/2019

PAGE: 1 OF 3

101.01 DECISION MAKING MODEL

(1) **CONCEPT:**

The Denver Police Department and its personnel are guided by the following decision making concepts that apply to delivering police service, police-community contacts, taking enforcement action, and applying physical force. Each decision and subsequent decisions will continually require this process of evaluation.

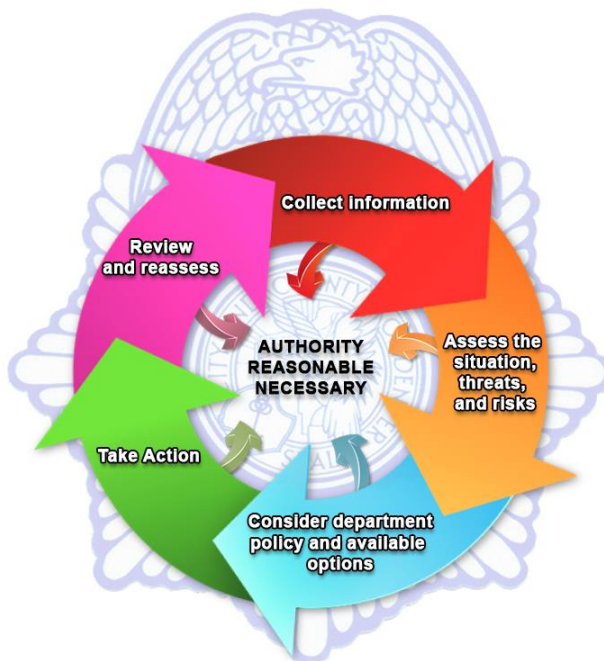
In conjunction with the decision making model, personnel will continually make these specific assessments:

Authority Do personnel have the legal authority or mandate to act in a particular instance?

Reasonable Would a reasonable officer act similarly under the totality of circumstances?

Necessary Is the intended action required or needed based on circumstances?

Denver Police Department Decision Making Model



COLLECT INFORMATION:

When possible, slow the situation with a calm, centered, respectful, and confident presence. Gather any and all information within practical limitations. Confirm that police service is warranted and within the control and ability of department personnel to address.



ASSESS THE SITUATION, THREATS, AND RISKS:

Use available resources to make the immediate area safe or provide assistance as needed. Look for things that may explain the situation. If time permits, attempt to identify the root cause and avoid decisions based on inadequate information. Avoid judgmental or damaging statements. Assess the risks and benefits of taking a police action.



CONSIDER DEPARTMENT POLICY AND AVAILABLE OPTIONS:

Develop options based on available information, ethics, values, and policy. Examine the feasibility, effectiveness, and consequence of each action and evaluate as necessary.



TAKE ACTION:

From the identified options, apply the most reasonable and viable course of action. Continually assess effectiveness, and when possible, develop contingencies. The sanctity of human life is paramount.



REVIEW AND REASSESS:

Assess the outcome and consider whether the issue was addressed and/or corrected. If not, start over and consider the following:

- * Is new information available?
- * Was the initial assessment accurate and/or was information missing?
- * Is there a more appropriate and reasonable option?

101.02 DE-ESCALATION

(1) CONCEPT:

The practice of de-escalation is intended to help department personnel be more effective and safe, to increase the quality of service and community satisfaction, and to reduce liability. De-escalation, in combination with the decision making model, is the foundation for achieving positive police-community interactions and internal employee relations.

All department personnel derive from the community their authority to act, and poor decisions can degrade our legitimacy and the community's trust. Personnel will continually assess whether their considered and initiated actions are reasonable and necessary, recognizing that circumstances are fluid and their actions should be adjusted accordingly.

a. General principles:

The Denver Police Department recognizes the value and sanctity of all human life and is committed to respecting human rights and the dignity of every individual, in every interaction. All department personnel must recognize that their actions, both verbal and non-verbal, can play a significant role in the outcome and escalation or de-escalation of an interaction.

When reasonable and practical, personnel should take actions that reduce the negative momentum of volatile situations, thus de-escalating; however, it is understood that delivering public safety services may require immediate and decisive action to protect the community, themselves, or other department members.

b. Considerations/Factors in non-compliance:

There are many reasons an individual may be uncooperative or fail to respond to verbal direction, including but not limited to:

- Medical condition
- Psychological or emotional crisis
- Developmental disability or dementia
- Drug / alcohol interaction
- Language barrier

c. Methods of de-escalation – all interactions:

1. Remain calm, actively listen, be courteous and respectful, show empathy, demonstrate patience, use persuasion, avoid arguments, request resources, suggest alternatives, use supportive language, and utilize critical incident techniques.
 2. When sworn personnel are taking protective or enforcement action, or using force, appropriate tactical options may be used in accordance with training and applicable policies.
-

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



102.00 RADIO COMMUNICATIONS

REVISED: 07/20/2016

PAGE: 1 OF 11

102.01 GENERAL GUIDELINES

(1) RADIO TALK GROUP ASSIGNMENTS:

The police radio will broadcast on its allotted frequencies and talk-groups on a twenty-four (24) hour basis. The assignment of talk groups will be determined by the commander of the Operations Support Division. Generally, talk group assignments are as follows:

- Dispatch One – Primary talk group for District 1 patrol, administrative and support units.
- Dispatch Two – Primary talk group for District 2 patrol, administrative and support units.
- Dispatch Three – Primary talk group for District 3 patrol, administrative and support units.
- Dispatch Four – Primary talk group for District 4 patrol, administrative and support units.
- Dispatch Five – Primary talk group for District 5 patrol, administrative and support units.
- Dispatch Six – Primary talk group for District 6 patrol, administrative and support units.
- Citywide Patrol, Gang, METRO/SWAT, Traffic (highway cars generally use Dispatch 5), investigative and administrative personnel will generally monitor or use the talk group of the area they are traveling through or operating in. Exceptions may occur with specialized assignments.
- Clear 1 and Clear 2 are the talk groups used for obtaining vehicle registrations, warrants and wanted persons, and stolen property information.

(2) TALK GROUP ASSIGNMENT DURING EMERGENCIES:

In the event of an emergency, the dispatcher will (as necessity dictates) assign additional units to any given dispatch or tactical talk group for the duration of the emergency and may temporarily change the dispatch assignment of any unit or group of units.

(3) DAILY DETAILS:

Assignment supervisors (patrol, Gang Unit, METRO/SWAT and Traffic Operations) will be responsible for providing an accurate daily detail to Denver 911. The daily detail will clearly list all command officers and supervisors and/or any officer working in an acting capacity.

(3) SIMULCASTS:

An announcement will be made on all talk groups, both primary and secondary, in order to keep officers throughout the city advised of pertinent activity, such as:

- Officers calling for help
- Major incidents and crimes in-progress
- Vehicle and foot pursuits
- Descriptions of armed and/or dangerous persons

(4) TRANSMITTING:

Wait until radio traffic is clear before attempting to transmit. When clear, depress the transmit button, pause one to two seconds, identify yourself by the proper call sign, release the button and wait for the dispatcher to acknowledge your call. After acknowledgement, again depress the transmit button, pause and continue with the transmission, keeping the button depressed continuously during each transmission. NOTE: The microphone is designed for close talking and should be held ONE to TWO inches away from the mouth. The microphone on the portable radio unit is located in the speaker grill.

(5) EMERGENCY IDENTIFIER:

All portable police radios are equipped with an emergency identifier system. It is essential that you depress and hold this red button for a minimum of two (2) seconds to trigger an emergency signal. Pushing the red emergency button will summon help, aid and support CODE 10 to an officer's location. The system is to be used in situations where an officer fears bodily injury, when conditions are escalating requiring an immediate police response, and when an officer is unable to verbally use the radio to call for help. It is vital for the dispatcher to have the officer's correct location in order for emergency help to arrive.

(6) I-CALL USE:

The Individual Call feature (I-Call) of the radio system will only be used to pass information of an official nature that is too sensitive for general broadcast or when such broadcast could endanger the safety of officers or citizens. Use of I-Calls will be monitored by supervisors and command personnel. Excessive or inappropriate use of the I-Call feature by department personnel may result in corrective or disciplinary action.

(7) RADIO ETIQUETTE:

- Department personnel will not inquire for specific ordinance sections to cover violations. Department personnel are expected to have this information on their persons and such information will not be furnished by the dispatcher.
- Long transmissions should only be done over a secondary talk-group or via a cell phone (if available).
- Department personnel will not initiate a transmission to another employee by name unless their radio or unit number is unknown.

(8) TWENTY-FOUR (24) HOUR CLOCK:

The twenty-four (24) hour, standard military time will be used for all communications. After 1200 (noon), add 100 for each hour expended, for example, 1:00 p.m. = 1300 hours, 5:00 p.m. = 1700 hours.

(9) PHONETIC ALPHABET:

All department personnel will use the phonetic alphabet for all radio transmissions, LETS messages, and telephone conversations where the use of phonetics is appropriate and there is a concern for clarity.

(10) CALL CODES:

The following call codes will be used over the air:

- **CODE 1** - Phone the dispatcher.
- **CODE 2** - Phone your assignment.
- **CODE 3** - Report to your assignment location.
- **CODE 4** - Used by dispatchers to notify officers requesting clearances of persons, property or vehicles, and driver's license checks that the person or property is clear, and in the case of driver's license checks, the license is valid. NOTE: CODE 4 is not to be used to advise that a situation is stable or that additional cover is not needed.
- **CODE 5** - Used by dispatchers to alert officers requesting clearances of people that the person(s) in their proximity or custody may be wanted. When the dispatcher has information that the person is wanted or potentially emotionally disturbed, the dispatcher will alert the officer by airing the following transmission, "(officer's call sign) are you clear to copy information?" No further information will be aired by the dispatcher until the officer replies, "I'm clear, go ahead with the information." The dispatcher will then tell the officer, "Code 5." No further information will be aired by the dispatcher until the officer requests it, thereby enabling the officer to position themselves out of earshot of the subject, or to restrain the person (if in the officer's opinion, circumstances warrant such action).
- **CODE 5A and 5D** – The dispatcher will alert the officer as described in CODE 5, however the following definitions will apply:
 - CODE 5A (5 Adam) - Indicates the person is wanted with a possibility of being armed and dangerous.

CODE 5D (5 David) - Indicates the person is wanted with the possibility of being dangerous (e.g., violent history, known to resist arrest, etc.)

- **CODE 6** - Arrival at scene.
- **CODE 7** - Out of service for long (30 minute) and short (15 minute) breaks only. Officers will ask the dispatcher if they are clear for a Code 7 and give their location. If the dispatcher determines the car is clear, the dispatcher will acknowledge and hold the car out on the air, at that location.
- **CODE 9** – Obeying all traffic regulations, proceed directly and without delay to the call. No emergency equipment will be utilized.
- **CODE 10** - Emergency response (red light and siren).

(11) PROHIBITED LANGUAGE AND RACE IDENTIFIERS:

No information other than that of an official nature is to be transmitted over the police department radio. During radio transmissions, all members are prohibited from using derogatory language relating to race, color, creed, national origin, age, sex or sexual orientation or any other language that might reasonably be regarded as offensive to any other person. All department personnel will use the following ethnic and/or race descriptors to identify individuals:

- White
- Hispanic
- Black
- American Indian or Alaskan Native
- Asian or Pacific Islander
- Unknown Race

(12) RESTRICTED USE OF THE RADIO DURING EMERGENCIES:

Department personnel will use restraint and limit their radio transmission(s) to pertinent information only during emergency and/or tactical operations. Until the dispatcher announces that normal operations have resumed, department personnel will not use the radio for any reason other than to address the emergency operation unless the transmission is necessary for safety concerns. NOTE: Department personnel with a demonstrated need to make a radio transmission (not related to the emergency operation) have the option to temporarily leave their assigned dispatch channel and make the transmission on a neighboring dispatch channel and/or on a Clear channel. Department personnel will immediately return to their assigned dispatch channel at the conclusion of their transmission. Officers should avoid calling Denver 911 for updates or additional information on any call type being handled unless necessary in furtherance of their duties.

(13) RESTRICTIONS ON RELEASE OF PERSONAL INFORMATION:

Department Personnel must consider the public's access to department radio traffic when airing sensitive and legally restricted information. Officers will not air, cause to be aired, or release publicly, any personal information over the police radio or any other unsecured communication method. This will include, but is not limited to:

- a. Names or identifying information of sex crimes victims
- b. Names or identifying information of juvenile offenders
 1. **EXCEPTION: When necessary to maintain public or officer safety during exigent circumstances, officers may communicate juvenile names or identifying information.**
- c. Names or identifying information of witnesses to a crime
- d. CRS §24-72-302(1) and (2) defines identifying information as: the name, place and date of birth, last-known address, social security number, occupation and address of employment, physical

description, photograph, handwritten signature, sex, fingerprints, and any known aliases of any person.

(14) CALLS FOR SERVICE - COMPLAINANT CONFIDENTIALITY:

Department personnel will make a conscious effort to recognize and honor the public's confidentiality interests. Denver 911 should inquire, when practical, if complainants would like direct contact by the officer responding to their calls. Responding officers should make every reasonable effort to honor a person's request for confidentiality. In some situations contact is necessary, regardless of the individual wishes of the person.

102.02 DUTY REQUIREMENTS

(1) DISPATCHER AUTHORITY:

No officer will deliberately neglect or refuse to answer and execute all orders from the dispatcher, as they will be considered an order from the Chief of Police. Questions of any call or orders are subject to review only after responding to and handling such calls, unless an on-duty patrol supervisor or command officer counters the dispatcher's order when circumstances justify a change in response or call assignment.

(2) MISSED CALLS – FAILURE TO ANSWER THE RADIO:

All officers will be attentive to radio transmissions and respond when called or be subject to a missed call.

- a. Solo officers must respond after three (3) radio calls within two (2) minutes or be subject to a missed call designation.
- b. Two officer assignments must respond after three (3) calls within one (1) minute or be subject to a missed call designation.

(3) COMPLETION OF CALLS FOR SERVICE:

Officers will be held responsible for the proper completion of all calls assigned to them, regardless if the assigned call for service is near the end of their tour of duty. When non-urgent calls may require overtime, officers will inform an on-duty supervisor for direction.

(4) GOING IN-SERVICE ON THE RADIO:

- a. All patrol, Gang Unit, and officers assigned to Traffic Operations (below the rank of sergeant) will begin their tour of duty by going in-service on the radio and end their shift by going out of service on the radio. Officers may use a telephone to notify the dispatcher that they are beginning or ending a shift only when a radio is not available.
- b. At the beginning of a shift, supervisors or command officers will personally notify the dispatcher when officers are unavailable for calls for service. This may be accomplished by phone, radio, or immediate transmission of the daily detail.
- c. Whenever an officer is unable to come in-service within **twenty (20) minutes** of the beginning of a shift, a supervisor will notify the dispatcher. This will include reporting late to work, administrative duties at the station, or any other activity preventing the officer from calling in-service. If a roll call extends beyond **twenty (20) minutes**, a supervisor will notify the dispatcher and will monitor radio traffic.
- d. Officers going in-service will wait for acknowledgement from the dispatcher. If the dispatcher does not respond, officers will repeat the process until acknowledged.
- e. Officers will give a call disposition at the completion of every call.

(5) OFFICER AVAILABILITY FOR CALLS FOR SERVICE:

- a. All patrol, Gang Unit, and officers assigned to Traffic Operations (below the rank of captain) are required to be available by radio unless on special assignment or out-of-service at a specific location where radio communication is not appropriate or possible. See section (2) above.
-

- b. Supervisors or command officers will personally notify the dispatcher and the appropriate neighboring precinct cars if they authorize an officer to report late for duty or leave early. This may be accomplished by phone, radio, or immediate transmission of the daily detail.
- c. All out-of-service activity is subject to the approval of the dispatcher or by order of a supervisory officer. Out-of-service activities include, but are not limited to: vehicle and/or radio maintenance or repairs, short/long breaks, personal errands and/or administrative duties.
- d. Patrol, Gang Unit, and officers assigned to Traffic Operations will not conduct non-essential Class 3 activities within 60 minutes of the end of the officer's shift.
- e. All officers assigned to investigation units will be available according to regulations and orders issued by the commanding officers in charge of their specific division, and with the approval of the Deputy Chief of Operations.
- f. Should officers receive an emergency call while in the process of handling an in-service call, they will respond at once to the emergency. The officers may complete the minor call later, or if the emergency situation results in a significant time delay, another car will be sent to complete the in-service call.
- g. In-service calls will be qualified as such by dispatchers only.

(6) TWO RADIOS IN A SINGLE ASSIGNMENT:

If two radios are used for a single assignment, all call signs and radio logical identification numbers will be provided to Denver 911.

(7) OFFICER INITIATED ACTIVITY:

Officers will respond to on-sight police activity without delay, and at their earliest convenience, notify the dispatcher of such action. Notification before leaving the vehicle is preferred so long as such notification does not affect the officer's efficiency or safety by delay.

(8) CHANGING LOCATIONS:

Officers who are dispatched to any police action will advise the dispatcher of any changes in address or location made in connection with the call. This includes updating the dispatcher with premise descriptors should the officer feel they are in a secluded area of the location. This information is essential should the officer require emergency assistance at a later time.

(9) NOTIFYING DISPATCHER OF ARRIVAL:

Officers responding to a radio-dispatched call will use Code 6 upon arrival at the scene.

(10) REQUESTING WANTS, WARRANTS AND VEHICLE REGISTRATION INFORMATION:

Officers requiring clearances and/or listings will obtain the information on Clear 1 or Clear 2. Officers will:

- a. Notify the dispatcher on their assigned channel of their car number and location and advise that they will be on one of the clearance channels.
 - b. Switch to the appropriate clearance channel and, when the radio traffic is clear, state their car number. The agent or dispatcher will acknowledge by calling the car numbers in turn.
 - c. When requesting information, state what is needed first, such as ID check, driver's license check, listing on a plate, or clearance on property. When requesting ID and driver's license checks, follow the menu format on the computer by giving the last name, followed by the first name, middle initial, and D.O.B. On license plate checks give the State and type of plate first, then the plate number. State exactly what is needed, such as clearance and listing, if the VIN is needed, or TVB clearance.
 - d. Test clearances or test inquiries are defined as those clearances requested when a subject, vehicle, or property is not in-sight or in-hand.
-

1. Test clearances will not be given on the clearance channels but can be obtained by using the computer terminals located in police vehicles and throughout the department, including those at the district stations.
2. Test clearances will only be given by NCIC personnel under exigent circumstances.
- e. Only the most recent driver's license suspension information will be given.
- f. Remain on Clear 1 or 2 until the information is received or you are instructed to return to your assigned channel. If you are instructed to return to your assigned channel and await the requested information, do so, then advise the dispatcher that you are awaiting information from Clear 1 or 2. The dispatcher of your assigned channel will then give you the information requested.

(11) EMERGENCY ASSISTANCE FOR OUTSIDE AGENCIES:

Request for police assistance (emergency assistance only) from city and county officials adjacent to the City and County of Denver will be processed immediately.

- a. Dispatchers will notify their supervisors on each call where officers are sent out of the city.
- b. When Denver police officers are sent outside of the City and County of Denver on emergency assistance calls, their supervisor or commanding officer will be notified. The supervising officer of the officers responding will be dispatched to cover the call.
- c. Except as directed by the Chief of Police, Denver police officers will not respond to routine police actions outside the City and County of Denver.

(12) REQUESTS FOR UNIFORMED ASSISTANCE:

Investigative officers requesting assistance (non-urgent) from a uniformed officer (e.g., order-ins, attempt pickups, attempt to locate, etc.) will be available by police radio while the uniformed officer is dispatched. The intent of this procedure is to enhance officer safety and to avoid, whenever possible, the need for an officer to call a detective on the telephone to receive or forward information that can be easily broadcast on the police radio. Conversations too lengthy for the main dispatch channel will be conducted on the citywide channel or the appropriate car-to-car channel. Sensitive information may be conveyed with the I-call feature or by direct telephone contact if necessary.

102.03 REQUESTING EMERGENCY MEDICAL SERVICES

The mode of response by emergency medical services will be determined by the description of the injury, illness, and/or incident received by the dispatcher.

(1) REQUESTING ASSISTANCE:

Officers requesting medical assistance, either CODE 10 (emergency) or CODE 9 (non-emergency) should, whenever possible, provide the dispatcher with the necessary information describing the type of injury or illness requiring medical care.

(2) CODE 10 (EMERGENCY) SHOULD ALWAYS BE REQUESTED FOR THE FOLLOWING CONDITIONS:

- Asphyxiation caused by drowning, electric shock, or inhalation of poisonous gases
- Unconscious persons
- Hemorrhaging or serious wounds resulting from bullets, knives, broken glass, machinery, etc.
- Poisoning through ingestion, inhalation, skin contact, or injection.
- Heart attacks, strokes, and paralysis.
- Childbirth.
- Serious burn cases, shock, falls, and any injury that represents an immediate threat to the victim's life.

- Under circumstances not listed above, when an emergency response is deemed most appropriate, CODE 10 response may be requested.

(3) CODE 9 (NON-EMERGENCY) MAY BE REQUESTED IF THE OFFICER BELIEVES:

- The condition of the patient would not be jeopardized by a delay of a few minutes.
- The condition of the patient does not justify the public safety risk associated with a CODE 10 response.

102.04 ALARMS

(1) ALARM TYPES:

The four types of alarms to which officers will respond are:

- Hold-Up
- Intrusion (burglar/silent)
- Local (audible/ringer)
- Police Alert (panic)

(2) FORCED ENTRY:

If it appears that an emergency forced entry will be necessary in response to a robbery or police alert alarm, such forced entry will be made without delay when tactically appropriate.

- a. A supervisor will be called to the scene.
- b. A Forced Entry Report (DPD 460) will be completed and forwarded to the Civil Liability Section.

(3) ALARM DISPOSITION CODES:

On all alarms checked, the responding officer will notify the dispatcher of the disposition of the alarm using one of the following codes:

- Class 1 - owner/employee inside
- Class 2 - no apparent reason/equipment malfunction
- Class 3 - good alarm
- Class 4 - cancellation

102.05 USE OF NCIC AND CCIC

The purpose of this procedure is to establish a uniform system to retrieve certain information on file within the Denver Police Department or available to the Denver Police Department on the established computer systems. The Denver Police Department will use the National Crime Information Center (NCIC) and Colorado Crime Information Center (CCIC) as basic parts of Denver 911 and the Identification Section.

(1) NCIC, CCIC, DMV, DOR INQUIRIES:

Inquiries of these systems may be made via radio, telephone, in written form, or via MDT, according to the following procedures:

- a. Inquiries through the NCIC Unit may be made only when the subject, vehicle or property is in-sight or in-hand. Any other situation is considered a "test inquiry" and must be so identified. See OMS 102.02(11)
- b. When requesting a warrant or want check (search), NCIC requires an exact date of birth for a match and CCIC will search three (3) years on either side of a given date of birth for a match. If there is reason to believe that the DOB provided is not accurate, request a complete CCIC check.
- c. Radio inquiry is limited to Denver police officers and Denver Sheriff Department deputies, and other authorized personnel dispatched or having radio communications with Denver 911

dispatchers / agents. Inquiries are to be made on clearance channels in the manner described in OMS 102.02(11). Any information that can be retrieved from Department files and/or any information that can be accessed by the use of the NCIC or CCIC systems may be requested.

- d. Telephone inquiry is available to officers identifying themselves by name, badge number, and assignment. The following information is available from Identification Section files and/or the NCIC and CCIC systems:
 - All wants and warrants entered by U.S. criminal justice agencies.
 - All U.S. motor vehicle registrations
 - County court moving and parking violations
 - Stolen, missing, or recovered guns
 - Stolen articles by identifying numbers. When clearing bicycles, weapons, and other items, do not confuse the serial number with the model number
 - Stolen, recovered, impounded, or repossessed vehicles
 - Stolen license plates
 - Stolen securities by serial number
 - Motor vehicle registration for all counties in the state
 - Driver's license information, includes motorcycle endorsements and driving restraints
- e. Written inquiry is available to any officer of an officially constituted law enforcement agency.
- f. Officers of the Denver Police Department as well as any law enforcement officer appearing in person at the Identification Section may be required to complete a request form provided by the unit. The NLETS system may also be used to make these inquiries.
- g. Information may be obtained by calling the NCIC unit. Information not available by telephone or radio will include criminal history teletype messages sent or received.
- h. Officers desiring computer assistance may request a terminal operator come to the counter, or give specific requests and information to any Identification Section employee who will ensure they are addressed.
- i. Routine pick-ups, messages, etc., will be left in the NCIC box at the counter.

(2) PERSONS IN CUSTODY:

When an officer has a wanted party in custody, prior to jailing, he/she will first notify the dispatcher then transport the subject to the nearest district station or the Identification Section for warrant verification.

(3) FEDERAL PRIVACY ACT – INAPPROPRIATE USE OF NCIC/CCIC:

All personnel are advised that the NCIC system is covered under the Federal Privacy Act of 1974, which contains criminal penalties for violations. This Act provides in part that, "any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty ..." Personnel will not use the CCIC/NCIC system to obtain information, criminal or otherwise for personal use, gain, benefit, or remuneration and will not provide any information derived from this system to any other person unless connected to their official duties. This includes police officers, CS employees, and any other person.

(4) COLORADO DIVISION OF MOTOR VEHICLE MASTER FILES:

In addition to listings (registration checks) and clearances (wants and warrants) normally available through computer terminals, other types of information are available through the Colorado Division of Motor Vehicles Master Files.

- a. Information available through master files includes:
 - Past and present addresses from driver's license applications

- Alias names
 - Handwriting samples – only signatures of proof of service or driver's license applications
 - Physical descriptions
 - Right index fingerprints or other finger in the event of an amputee
 - Pictures
 - Social Security numbers
 - Names of guardian and/or parents (including addresses)
 - School bus licenses
 - Chauffeur licenses
 - Change of name related to driver's licenses or identification cards
 - Driver's license information derived from the first five (5) letters of a last name, first initial, and date of birth.
 - Traffic violation files are searchable by the name of defendant or driver's license number.
 - Temporary registration permits prior to 12/2011 may be available (purging of documents does occur). Temporary registration permits issued after 12/2011 should be available through regular DMV computer queries.
 - In the area of hit and run vehicles, Master Files can aid in identifying vehicles by possible license number combinations if only a partial plate number is known.
 - Emergency contact information for Colorado licensed drivers or persons with identification cards issued (a written request is required through CCIC – complete DMVEM form).
- b. In emergency cases, where information is urgently needed, contact Master Files by phone or at terminal DMV.
- c. Certain license plate numbers are not available for listings through CCIC terminals. If a listing is needed for such plates, contact Master Files.

(5) COMPUTER TERMINAL IDENTIFIERS:

The Denver Police Department will maintain unique terminal identifiers for all computers which access the NCIC/CCIC system. This policy is inclusive of mobile data terminals.

- NCIC and CCIC operating procedures mandate the use of one unique identifying number per computer. There will be no circumstance whereby any terminal may share an address with another.

(6) SECURITY OF NCIC/CCIC:

The security of information obtained from NCIC/CCIC is vital. Personnel must ensure that unauthorized individuals do not have access to information on the NCIC/CCIC system.

- a. Department personnel operating an MDT will log off NCIC/CCIC when not in use, or when the vehicle is unoccupied for an extended period.
- b. Officers will close or block their MDT screen when an arrestee, citizen, or "ride-a-long" is in or near the vehicle.
- c. Unless authorized through prior written approval from the Chief of Police, department personnel will not access the criminal justice database from outside a law enforcement facility or vehicle.
- d. Any information available via the NCIC/CCIC system will be limited to criminal justice purposes only. Department personnel will not use criminal justice information for personal reasons, including curiosity inquiries or non-criminal justice investigations.

(1) POLICY:

- a. The Voice Logger system for remotely pulling Denver 911 data recording(s) has been placed in various locations throughout the department.
- b. This system will allow investigators and designated persons to pull data recording(s) of calls and dispatch recording(s) from Denver 911 at remote locations throughout the Denver Police Department.
- c. Divisions and districts having a voice logger system will use their respective system to acquire communication recording(s) rather than referring requests to Denver 911.
- d. Use of the Voice Logger System is limited to official investigations.
- e. All recordings made with the Voice Logger system are considered part of an ongoing investigation and are to be treated accordingly.
- f. Any copying, misuse, distribution, or unauthorized use of these systems or recordings is prohibited and will result in disciplinary action.

(2) ACCESSING THE VOICE LOGGER SYSTEM:

- a. Data from the Voice Logger System will be located with the CAD incident number. The CAD number will identify the position number where the call was taken and the dispatch channel that dispatched the call.
- b. Each commander with a Voice Logger system will identify personnel in their command authorized to use the system. Each person having access to the Voice Logger system will be issued a user name and password by the CAD administration team at Denver 911. Instructions for use of the Voice Logger System will be available at every remote location providing accessibility.

102.07 DENVER 911

(1) VISITORS:

In order to maintain order, a reasonable ambient noise level and the supervision required, there will be no casual visitors or tours allowed inside Denver 911 without the prior authorization of Denver 911 CS Director. Any person who has official business that must be conducted inside Denver 911 will obtain permission to enter from the Denver 911 CS Director or in the director's absence, the supervisor in charge. There will be NO exceptions to this rule.

(2) RECORDING OF COMMUNICATIONS:

All telephone requests for police service arriving in Denver 911 and all radio transmissions on talk groups one (1) through six (6) and the clear channel will be recorded. These include audio recordings made to monitor and record law enforcement and other protective or emergency services radio transmissions, including police and fire radio transmissions, police emergency 911 calls and fire, rescue or ambulance dispatch calls, or any communication received through the 911 system including any telephone calls or multimedia transmissions.

- a. All recordings will be retained for ninety (90) days.
 - b. Recordings may be retained in excess of ninety (90) days only when a written request is submitted by:
 1. A Denver Police command officer
 2. A member of the City or District Attorney's Office
 3. A member of another law enforcement agency with proper justification
 4. A member of the Internal Affairs Division
 5. A member of the Civil Liability Section
 6. Any sworn officer of a Denver Police investigative unit
-

- c. A command officer submitting a request to retain a recording for more than ninety (90) days will:
 - 1. Include the proper General Occurrence (GO) report number if the recording is to be held in reference to a criminal case, and
 - 2. Forward a copy of the request to the Civil Liability Section.
- d. All other requests to retain recordings for more than ninety (90) days will be considered only when accompanied by a subpoena.

(3) CAD RECORD RETENTION:

Records relating to emergency 9-1-1 and reverse 9-1-1 system management (CAD records) will be retained for two (2) years. Requests for retention beyond two (2) years are identical to those listed in the section above.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



103.00 COURT

REVISED: 07/06/2017

PAGE: 1 OF 8

103.01 GENERAL GUIDELINES

(1) COOPERATION WITH THE DISTRICT AND CITY ATTORNEY'S OFFICE:

All officers are required to cooperate with the Denver District Attorney's Office, Denver City Attorney's Office, and the Denver County Court in properly prosecuting criminal violations. All cases will have adequate evidence for court presentations to support the charge(s).

- a. Officers may (for good and sufficient reason) request of the district attorney's office or city attorney's office an amendment to the original charge or charges, or the dismissal of any of the charges. The decision to change or amend charges is solely up to the district attorney's office or city attorney's office.
- b. If an officer is contacted by anyone requesting an amendment of charges that have already been filed with the court, other than a judge, deputy district attorney, or assistant city attorney, the officer will immediately report it to his/her commanding officer.

(2) TESTIMONY:

Officers testifying in court will avoid any indication of bias, prejudice, or anger. They will testify in a clear, concise, and distinct manner. Questions will be answered promptly, truthfully, and without trace of evasion. Personal behavior will be exemplary during all testimony and court related activities.

- a. In accordance with Rule and Regulation 1004, officers who are subpoenaed or requested to testify for the defense, or against the City of Denver, or interest of the department will notify in writing their commanding officer and the Denver District or City Attorney and the Civil Liability Section. Furthermore, this policy will apply when testifying before Excise and License, Department of Revenue, or other regulatory hearings. Additionally, a synopsis of the testimony to be given will be included with such notification when:
 - A character reference or endorsement is to be provided by the officer.
 - The officer has direct or indirect, personal, financial, or employment relationships with the involved party or business entity
- b. Officers will not testify in civil cases unless legally subpoenaed or directed by a letter from the police department.

(3) LEGAL OPINIONS:

In an effort to maintain continuity and chain of command, all officers are instructed to send requests for legal opinions from the Denver City Attorney through their chain of command to the Office of the Chief of Police (or designee). The Office of the Chief of Police (or designee) will forward (as deemed appropriate) all requests for legal opinions involving law, procedure or any other matter that the city attorney's office is responsible for, through the Executive Director of Safety.

103.02 SUBPOENA (RECEIPT OF)

(1) RECEIPT OF SUBPOENAS – POLICY:

All officers who receive subpoenas will make the proper return on each and will be held strictly accountable to appear as ordered, days off and vacations notwithstanding. This procedure applies to all subpoenas received, including those from counties outside Denver, the Denver Department of Excise and License, the Colorado Department of Revenue and other regulatory agencies. Officers, who fail to appear, or fail to place themselves on call, will be subject to disciplinary action.

(2) ONLINE SUBPOENA PROGRAM:

- a. Every officer will (while on-duty) review their subpoena record daily by logging into the online subpoena program located on DPDWeb. All officers will make the proper return of service on each subpoena located in their subpoena record. Officers must follow the instructions provided for each individual courtroom on the online subpoena program.
- b. Commanding officers of bureaus, divisions, districts, sections and units will periodically monitor or cause the periodic monitoring of the online subpoena process, ensuring that officers under their command are timely in addressing subpoenas via the "Check Subpoenas by Badge" function in the officer's subpoena program.
- c. In the event that officers are unable to access the online subpoena program because of system failure, the Court Liaison Unit or Technology Services will be notified immediately. The Court Liaison Unit will be responsible for distributing hard copy subpoenas in the event of long term computer system failure.

(3) SERVICE OF HARD COPY SUBPOENAS OR SUMMONS:

Subpoenas in criminal and traffic cases may be served in the following manner:

- a. The Court Liaison Unit will forward all hard copy subpoenas to the officer's assignment.
- b. Commanding officers of bureaus, divisions, districts, sections, and units will establish a court notice and subpoena book for hard copy subpoenas, detailing all required court appearances of their personnel by month of the year.
- c. Supervisors will serve the subpoenas and make record of the service in the subpoena book.
- d. Subpoenas served through the public defender's office and court appointed defense counsel (ADC) may be accepted by the Court Liaison Unit. Court liaison will not accept any other type of subpoena. Defense subpoenas are not entered into the online subpoena program, but are forwarded to the named officer's assignment for issuance. Officers and supervisors will not refuse to accept service.
- e. A summons for an officer NAMED AS A DEFENDANT IN A CIVIL SUIT must be personally served. Supervisors **may not accept** such a summons on the officer's behalf. Supervisors will produce the officer for service of the summons and the officer will accept service.
- f. All other subpoena types (DMV and witnesses in civil cases) will be served to the individual officer or a supervisor (sergeant or above), generally at their location of assignment. Officers and supervisors will not refuse to accept service. Upon service, the named officer should forward a copy of the subpoena to the Court Liaison Unit for entry into the online subpoena program.
- g. DMV Hearings:
Hearing notifications come in two (2) distinct formats (notices and subpoenas).
 1. Notice of Hearing:
Issued by the State of Colorado and sent to the Court Liaison Unit directly for entry into the online subpoena program.
 2. Subpoena:
DMV subpoenas must be served directly to the named officer. Generally, this will occur at the officer's location of assignment.
 3. Request for Reschedule:
If officers are unable to attend a DMV hearing, a State of Colorado Officer Request for Reschedule form will need to be submitted to the Department of Motor Vehicle by the named officer. The completed document may be faxed to the number indicated on the form.

(4) OFFICERS SUBPOENAED BY DEFENSE:

- a. Any officer subpoenaed by the defense will strictly comply with the subpoena, or risk contempt proceedings.
- b. Vacations, military leave, ASL, sick leave, and/or time off are not justifiable reasons for failure to comply with defense subpoenas.
- c. Officers may, on their own behalf, attempt to contact the issuing defense attorney and make individual arrangements.
 - Such arrangements will be documented in writing.
 - A copy of the documentation will be forwarded to the Court Liaison Unit.
- d. Neither the prosecuting attorney nor the Denver Police Department has control over the defense subpoena process.
- e. While officers will comply with subpoenas issued by defense attorneys, the Court Liaison Unit will be available to assist them in negotiating with defense attorneys for continuances or other arrangements.
- f. District and division commanders will keep and maintain a subpoena book for logging in all subpoenas forwarded to officers through Court Liaison from defense attorneys.
- g. Subpoena Duces Tecum – a subpoena to produce records:
Officers served with a Subpoena Duces Tecum will immediately forward it to the Civil Liability Section (email is sufficient).
 - Officers are not authorized to produce any department documents upon receipt of a Subpoena Duces Tecum.
 - If the Subpoena Duces Tecum also requires an appearance by an officer for testimony, the officer will appear as ordered.

(5) FAILURE TO APPEAR (FTA):

The supervisor of the Court Liaison Unit, in consultation with the prosecuting attorney, will make the determination of failing to appear.

- a. A failure to appear will result in a formal Internal Affairs Division investigation. An FTA occurs when an officer under subpoena fails to appear for trial or hearing, or fails to process their subpoenas that appear on the online subpoena program.
- b. Penalties:
These penalties are the minimum penalties for the stated violation. Flagrant violations may be dealt with more severely.
 - First Offense - Oral Reprimand
 - Second Offense within a twelve-month period - Written Reprimand
 - Third Offense within a twelve-month period - Fine of eight (8) hours
 - Fourth Offense within a twelve-month period - Fine of forty (40) hours

(6) LETTERS FROM THE CIVIL LIABILITY SECTION:

Letters from the Civil Liability Section for an appearance on a civil case for a hearing, deposition, court appearance, etc., will be treated as a subpoena. All officers will sign for receipt of this letter and will be held strictly accountable for their appearance. Failure to respond will result in the same penalties as those listed in section (5).

- a. Supervisors will serve the letters and make record of receipt in the subpoena log book. Supervisors are also responsible for the return of the signed letter.
-

- b. Department personnel who are notified by the Colorado Department of Revenue of a scheduled hearing for a driver's license suspension, revocation or other action will appear at the time and place stated on the notice.
 - When applicable, all such notices will be covered by OMS 103.03.

103.03 COURT APPEARANCES

(1) VERIFYING COURT CASES PRIOR TO APPEARANCE:

Police officers and reserve police officers who are subpoenaed for county, district, and juvenile court will verify the status of each court case prior to appearing in court.

- a. Verifying the Status of District Court Trials:
 - 1. Information on case status will be on the victim advocate voice messaging system.
 - 2. If the case has been continued or disposed of, the officer is released from his/her subpoena.
 - 3. If the case is still scheduled for court, the officer must place themselves on-call. See section (3).
- b. Verifying the Status of all other courtrooms, including District Court motions or preliminary hearings, county and juvenile court:
 - 1. Verification will be made by calling the Court Liaison Unit the night before the scheduled court appearance to determine whether the case has been called off.
 - The Court Liaison Unit will make available a prerecorded telephone message, listing the continued and disposed court cases for the next business day.
 - The recorded message will be available weekdays from 1500 hours through 1300 hours the following day, and twenty-four (24) hours each day on weekends and holidays.
 - During usual court hours (0700 to 1500 hours) Monday through Friday, Court Liaison Unit personnel will answer court case status inquiries.
 - 2. For preliminary hearings, officers may place themselves on-call by using the online subpoena program.

(2) TIMELINESS:

Except for court appearances that are outside of the Lindsey-Flanigan Courthouse, all police officers and reserve police officers are required to report to the Court Liaison Unit at least fifteen (15) minutes before court time and sign the officer's register. Officers must sign out after their court appearance is concluded. Police officers and reserve police officers, who are unable to attend court, or those who expect to be late, must notify the Court Liaison Unit.

- Police officers and reserve police officers who are off-duty will receive a copy of the Officer's Overtime Authorization/Accumulated Time Returned (DPD 154). This form must be completed by the Court Liaison Unit and prosecuting attorney/hearing officer.
 - Reserve police officers will receive a copy of Reserve Police Officers Court Voucher (DPD 155) from the Court Liaison Unit. This form must be completed by the Court Liaison Unit and the prosecuting attorney / hearing officer. The subpoena, or a copy, will be attached to the original invoice and hand carried, or mailed to the Denver Police Department Financial Services Section. A copy of the voucher will be retained by the officer.
 - The Court Liaison Unit coordinator is authorized to approve and sign officers' court slips.
 - Officers who receive time expired parking citations on their personal vehicles while attending court will sign the front of the citation, indicating the docket number and courtroom attended, then forward it
-

to the Court Liaison Unit for processing.

(3) CONTINUATIONS:

- a. Except when subpoenaed by the defense, officers who are unable to appear in court because of vacation, sick leave or military leave will return the subpoena/court notice to the Court Liaison Unit by choosing the ASL/vacation/ML "status" option in the online subpoena program and entering the leave dates. Officers may enter text into the "notes" section for specific information regarding leave. Requests to continue court cases must be submitted to the Court Liaison Unit at least two (2) weeks prior to the court date.
- b. It is the responsibility of the subpoenaed officer to follow-up and verify that the continuance was granted or denied.

(4) ON-CALL PLACEMENT:

Officers may place themselves on-call in the following courtrooms by using the online subpoena program.

General Sessions Courtrooms: 3F, 3G and 3H.

County Courtrooms: 3A, 3B, 3C, 3D, 3E

- a. General Provisions:
 1. Officers who will be **OFF-DUTY** at the time they are subpoenaed to the courtrooms listed in this section may voluntarily place themselves on call by using the online subpoena program.
 2. Officers who are **ON-DUTY** at the time of their scheduled court appearances must place themselves on-call by using the online subpoena program. Officers must give their duty assignment and method of contact such as telephone number, police radio call sign and talk group, etc.
 3. On-call officers will not appear unless summoned by the coordinator, courtroom personnel, an assistant city attorney or a deputy district attorney.
 4. The Court Liaison Unit coordinator is authorized to approve and sign officers' court slips.
 5. Officers who voluntarily place themselves on-call and cannot be immediately contacted at the numbers provided will be subject to disciplinary action as outlined in OMS 103.02.
 6. Officers must appear in court ready to testify within 60 minutes of the first phone call made by the Court Liaison Unit, victim advocate, or attorney. The 60 minute time starts regardless of whether contact was made or a message left. Officers who do not arrive within the 60 minute limit will be considered to have failed to appear (FTA) and will be subject to disciplinary action.
 7. Officers not placing themselves on-call must appear in court as required by the subpoena.
 - b. Courtrooms 3F, 3G and 3H:
 1. Officers with questions prior to the date of the court case may contact the Court Liaison Unit.
 2. On the day of trial, an assistant city attorney may call an officer subpoenaed to discuss whether a court appearance will be necessary. The officer must be available at one of the numbers the officer has designated for on-call status.
 3. Officers who place themselves on call and who are not contacted by 1300 hours are released from their subpoena for the rest of the day. This policy applies only to county court proceedings.
 - c. Courtrooms 3A, 3B, 3C, 3D and 3E:
 1. Officers with questions prior to the date of the court case may contact the Court Liaison Unit.
-

2. On the day of the trial, a deputy district attorney may call the officer subpoenaed to discuss whether a court appearance will be necessary. The officer must be available at one of the numbers the officer has designated for on-call status.
- d. District Court Trials:
 1. Cases Verified on the Docket:

If, after checking case status with the victim advocate's office and determining that it is still on the docket, the officer will leave his/her name and badge number, the case number on which he/she is calling and a telephone number where he/she can be reached or where a message can be left for the officer between 0800 hours on Monday and 0930 hours on Tuesday (or 0800 Tuesday to 0930 Wednesday, if Monday is a holiday).
 2. Instructions by Victim Advocate:

Between 0800 hours Monday and 0930 hours Tuesday, if the officer is needed, the victim advocate will contact or leave a message for the officer concerning the case. The victim advocate will advise the officer when an appearance will be necessary. The officer will appear in response to the subpoena ONLY after being requested to do so by the victim advocate.
 3. Release from Subpoena:

If the officer does not receive a message from the victim advocate by Tuesday at 0930 (or 0930 Wednesday if Monday is a holiday), he/she is released from that subpoena.
 4. Telephone Messages:

It will not be necessary for the officer to remain at the telephone number he/she designates for any period of time, only that he/she be able to be reached at that number or receive a message at some time in the 24 hour period. If the officer is not contacted by the victim advocate within that time, he/she may disregard the subpoena.

(5) COMPENSATION:

- a. Entitlement:

Officers subpoenaed by the Denver City Attorney, Denver District Attorney, State Motor Vehicle, other city, state, federal officials and court officers because of police actions taken for the Denver Police Department, are entitled to off-duty court appearance compensation. *Any officer who appears in court after an announcement of a continued or disposed case will not be compensated for his/her court appearance.*
 - b. Minimum Compensation:

A minimum of two (2) hours, or the actual time involved, whichever is greater, will be awarded for an appearance in court or a hearing. The time will be converted at the overtime rate and will be compensated in cash payment or compensatory time, at the officer's election. Captains will receive compensatory time for court appearances at a straight time rate.

Exceptions are listed in the following sections.
 - c. Continuous Duty Overtime:

Court sessions beginning less than two (2) hours before an officer is to report for duty will be considered continuous duty overtime, with the time calculated from the beginning of the court appearance until the officer's scheduled reporting time for duty. Court sessions beginning when an officer is on-duty and continuing beyond the scheduled end of shift will be considered continuous duty court overtime for the actual time involved.
 - d. Line of Duty Injuries:

Officers who are on inactive duty because of line of duty injuries will not receive extra compensation for court appearances.
-

- e. Non Line-Of-Duty Injuries:
Officers using sick leave for other than line of duty injuries will be compensated at straight time, without that time being deducted from their sick banks.
- f. Pre-Trial Conferences:
Pre-trial conferences and depositions will be compensated at the officer's election. Any funds received from other parties must be remitted to the Financial Services Section.
- g. Outside Jurisdiction Court Appearances (In-State):
Officers appearing in other jurisdictions will be compensated at their election. Any funds received from other jurisdictions must be remitted to the Financial Services Section.
- h. Court is not Call-Out Overtime:
Responding to a court appearance is not an instance of call-out overtime as described in OMS 505.03(4).
- i. Civil Cases:
Off-duty officers subpoenaed or directed by the department to testify in civil cases as result of official police actions, or to give expert testimony, have the choice of accepting the compensation provided by the other party or remitting the funds to the Financial Services Section and receiving compensation as in the procedures outlined above.
- j. Out of State Court Appearances:
Officers subpoenaed to appear in a court that is out of state, resulting from an action taken as a Denver police officer, or actions taken while employed by another law enforcement agency, will forward the subpoena to the Court Liaison Unit. The Court Liaison Unit will confirm the content of the subpoena and facilitate granting the officer's leave.
- k. Calling in Sick:
Any officer who calls in sick to court must call the Court Liaison Unit prior to the time listed on the officer's subpoena. A subpoena is a court order and the Court Liaison Unit does not have the authority to excuse officers from any subpoena. The Court Liaison Unit will notify the court that the officer is sick, but the court may still require the officer to appear.
- l. Supplemental Compensation:
Any officer receiving compensation from other agencies or individuals for any court appearance made while on-duty must remit the funds to the Financial Services Section. Officers may keep the compensation for court appearances on their own time.

(6) PERSONAL APPEARANCE IN COURT:

Officers presenting themselves in court as witnesses or in any other official capacity will appear properly groomed and professionally dressed. See OM RR-501.

- The regulation uniform may be worn by all officers when appearing in court. The uniform will be in good repair, clean and well pressed. Leather, brass and footwear will be well polished. The badge and name plate will be properly positioned. Uniform caps (if worn) will be removed when inside the courtroom.
 - Non-uniform attire will reflect a professional appearance. It will be in good repair, clean, and well pressed.
 - Male officers in non-uniform attire will wear business suits or slacks and sport coats, dress shirt, neckties and complimentary footwear.
 - Female officers in non-uniform attire will wear tailored dresses, skirted or pant suits, and blouses with sleeves as well as complimentary footwear.
 - Casual or leisure time attire, such as jeans, sundresses, shorts, or barefoot sandals, is unacceptable.
-

- Officers appearing in court as litigants in matters that are not within the scope of their employment will not be in uniform, nor will they be armed.
- Each judge of the Denver District Court has full authority to exclude firearms and weapons, and any person bearing them, from his or her courtroom as that judge deems appropriate, without giving a reason.

103.04 CIVIL SUITS

(1) NOTIFICATION OF CIVIL LIABILITY SECTION:

When officers are named as defendants or required to give a deposition in a civil suit as a result of a police action, or if there is reason to believe that they may be named as defendants in a civil suit, they will at the earliest possible time (prior to giving testimony) report it to the Civil Liability Section. The Civil Liability Section will be responsible for any necessary investigations, gathering necessary documents and reports, and making notifications to the appropriate personnel.

- a. When an officer has been served with a civil summons and complaint, he/she will respond in person to the Civil Liability Section with a copy of the summons and complaint at the earliest opportunity.
- b. Failure to follow the above steps or any effort to arrange personal defense without having consulted the Civil Liability Section could jeopardize liability coverage or defense of the lawsuit.

(2) OFFICERS DECLINING CITY REPRESENTATION:

Any officer who does not want to be represented by the Denver City Attorney's Office or attorneys appointed by the City and County of Denver, for civil defense, and who chooses to obtain counsel at the officer's own expense, or the expense of an outside entity, will declare this in writing to the Civil Liability Section, the Chief of Police, and the Denver City Attorney's Office. The letter will stipulate that he/she clearly understands the police department and the City and County of Denver are relieved of any and all liability awards that may result against the officer if he/she declines representation by the city attorney's office or attorney appointed by the City and County of Denver.

103.05 JURY DUTY

Department personnel will immediately notify their supervisor upon receipt of summons to appear as a juror.

- Officers summoned to serve on jury duty, will enter the excused work code on their TeleStaff calendar for the appropriate date, and type "jury duty" in the notes field.
 - All fees for jury service will be returned to the Denver Police Financial Services Section. (Police officers are not allowed to accept compensation while serving on city time.)
 - Any officer who is summoned to perform jury duty will suffer no loss of pay or benefits for any and all time spent in the performance of such service or in response to such summons.
-

104.00 - ARRESTS

104.00 Arrests

- 104.01 General Arrest Procedures
- 104.02 Female Suspects and Prisoners
- 104.03 General Sessions Summons and Complaint, DPD 287
- 104.04 Investigation and Hold Arrests
- 104.05 Changing Charges
- 104.06 DELETED
- 104.07 City Ordinance Violations Committed Out of the Officer's Presence or by a Suspect No Longer at the Scene
- 104.08 Warrantless Arrests
- 104.09 Central Want and Warrant File (Persons and Property)
- 104.10 Arrest Warrants
- 104.11 DELETED
- 104.12 DELETED
- 104.13 DELETED
- 104.14 Assisting Peace Officer
- 104.15 DELETED
- 104.16 DELETED
- 104.17 DELETED
- 104.18 Processing Pick-ups or Cancellations for Wanted Persons and/or Property
- 104.19 DELETED
- 104.20 Use of DPD 366, Statement
- 104.21 Use of DPD 368, List of Witnesses
- 104.22 Use of Advisement, DPD 369
- 104.23 General Session Order-Ins to Court
- 104.24 Order-Ins to Investigative Units
- 104.25 Using the Criminal Summons and Complaint for Misdemeanor Arrests
- 104.26 Arrest of Postal Employees or Persons Operating Trains or Transit Buses
- 104.27 Arrests for Taxi Violations
- 104.28 Arrests and Procedure on Federal Property and Relations with Other Agencies
- 104.29 Arrests for Weapons Related Incidents
- 104.30 Processing Persons with a Mental Illness
- 104.31 Sex Offender Contacts and Processing
- 104.32 Civil Stand-By for the Recovery of Personal Property
- 104.33 Misdemeanor Criminal Mischief and Graffiti Related Arrests
- 104.34 Evictions
- 104.35 Enforcement Protection Orders
- 104.36 Auto Theft and Theft from Motor Vehicle Investigations
- 104.37 DELETED
- 104.38 Animal Related Incidents
- 104.39 Contacting Employees at Place of Employment
- 104.40 Colorado Victim Rights Statute
- 104.41 Theft of Meals - Gas
- 104.42 Utilization of Arrest Teams at the Scene of Non-Violent Demonstrations Where Unlawful Acts are Committed
- 104.43 Mass Arrests
- 104.44 Identification Procedures
- 104.45 Persons Held for Colorado State Parole
- 104.46 Night Club Occupancy Regulations - Enforcement
- 104.47 Arrest of Bail Bond Fugitives
- 104.48 Protective Custody
- 104.49 At-Risk Persons – Disabled Persons – Persons with Disabilities
- 104.50 Domestic Violence
- 104.51 Arrests in Liquor Licensed Establishments
- 104.52 Arrest/Detention of Foreign Nationals
- 104.53 Nuisance Abatement
- 104.54 DELETED
- 104.55 Operational Planning
- 104.56 Tactical Event Deconfliction Policy

104.57	DELETED
104.58	DELETED
104.59	Persons with Limited English Proficiency

104.00 - ARRESTS

104.01 General Arrest Procedures

Arrest Defined: A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge.

The purpose of an arrest is to bring the arrestee before a court or otherwise secure the administration of the law.

Investigatory stops or detentions are not considered arrests but must be limited and temporary, lasting no longer than necessary to carry out the purpose of the stop or detention. An investigatory stop that lasts too long turns into a de facto arrest that must comply with the warrant requirements of the Fourth Amendment. But no bright line exists for determining when an investigatory stop becomes a de facto arrest, as courts are reluctant to hamstring the flexibility and discretion of police officers by placing artificial time limitations on the fluid and dynamic nature of their investigations. Rather, the test is whether the detention is temporary and whether the police acted with reasonable dispatch to quickly confirm or dispel the suspicions that initially induced the investigative detention.

Definition taken from West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc

- (1) Arrest by peace officer. A peace officer may arrest a person when:
- a. There is a warrant commanding that such person be arrested; or
 - b. Any crime has been or is being committed by such person in the officer's presence; or
 - c. There is probable cause to believe that an offense was committed by the person to be arrested. An arrest warrant must be obtained when possible. Officers have the right to make a warrantless arrest when exigent circumstances exist, i.e. urgent, critical or those that require immediate action.
 - d. Denver Police officers may arrest persons outside Denver's jurisdiction and within the State of Colorado for felonies and misdemeanors that are being, or have been committed, in the presence of a Denver Police officer.
 1. This authority does not extend to Denver Police officers on suspended status.
 2. All Denver Police officers will be accountable to existing procedures or directives governing arrests, use of force and reporting of the same.
 3. All Denver officers making an arrest outside Denver's jurisdiction will report their actions to their commanders in writing before the completion of their next duty shift. An officer on vacation or ASL will make the notification by phone within 24 hours of the arrest.
 4. The local law enforcement agency having jurisdiction shall be immediately notified. Any person arrested shall be released to the custody of the local law enforcement agency. Denver officers will complete any reports required by the local law enforcement agency
 - e. Officers shall not make arrests for offenses when a warning or citation would suffice.
 - f. Individuals may be arrested and subsequently released, without being incarcerated, for reasons that include, but are not limited to, the following:
 1. An arrest was made on the mistaken identity of the person.
 2. An arrest warrant has been recalled or previously served without the officer's knowledge.
 3. Subsequent to an arrest but prior to incarceration, the officer determines that probable cause no longer exists to make an arrest.
 - g. Officers will not place a person under arrest and subsequently release the same individual without fulfilling at least one of the following obligations:
 1. Serve the arrested party with an order-in citation; or

2. Seek the approval of a higher ranking officer prior to releasing the individual. The approving officer must be satisfied that there are no adequate grounds for criminal complaint against the arrested person prior to their release. At minimum, the approving officer must be from the rank of lieutenant, or in the absence of an on-duty lieutenant, the officer's sergeant can make the approval but must notify the lieutenant in their chain of command by leaving documentation of the incident for the lieutenant to review. The arrested party, description of the incident and name of the approving command officer will be documented by the arresting officer in the form a street check. Officers will select the appropriate reason code (Released from Custody) when completing the street check. Documentation must be completed prior to end-of-shift.
 3. Officers working secondary employment must comply with #2 above and provide the required documentation to the responding on-duty lieutenant or sergeant.
- (2) Arrest - when and how made.
- a. An arrest may be made on any day and at any time of the day or night.
 - b. All necessary and reasonable force may be used in making an arrest.
 - c. All necessary and reasonable force may be used to effect an entry upon any building or property or part thereof to make an authorized arrest. C.R.S. §16-3-101. If on federal property, see OMS 104.28.
- (3) Stopping of suspect. A peace officer may stop any person who the officer reasonably suspects is committing, has committed, or is about to commit a crime, and may require the person to show identification. Officers have the right to ask the following:
- a. Name
 - b. Address, (if the person is driving a motor vehicle, officers may ask for):
 1. Driver's license
 2. Automobile registration
 3. Proof of insurance
 - c. An explanation of the subject's actions (i.e. where they are coming from or going to). The person does not have to reply. The stopping shall not constitute an arrest. C.R.S. §16-3-103.
- (4) When a peace officer has stopped a person for questioning and reasonably suspects that his personal safety requires it, he may conduct a limited search, or FRISK by patting down the outer clothing for weapons.
- a. If a FRISK reveals what feels like a weapon, he may search for and remove it from the clothing. The officer may take any:
 1. Weapon
 2. Contraband (Possession of any illegal item)
 3. Stolen goods
 - b. If the FRISK reveals what feels like a weapon, the officer will have cause to arrest and make a full search of the person and the immediate area within the person's reach.
 - c. At the conclusion of a "stop and frisk", you must arrest or let the person go.
- (5) There are rules regarding searches of a person, his home, and his car. Generally, a police officer may search only (except for certain emergency situations):
- a. With the person's permission
 - b. With a search warrant
 - c. When an arrest is made
- (6) A person has the right to know for what he is being arrested, and to be advised of his rights when required.
- (7) All persons taken into custody must be searched for weapons and contraband, while ensuring that it is done in a reasonable and appropriate manner. Regardless of the gender of the suspect an officer is authorized to search for and remove weapons. Common sense must prevail regarding the manner and level of intrusion. Having an officer of the same sex as the suspect conduct a search may or may not be a practical or necessary option. The following considerations should be taken into account:
- a. Type of crime committed
 - b. Type of clothing worn by the subject / suspect
 - c. Knowledge that the person is carrying or has carried weapons in the past

- d. The level of intrusion deemed necessary
 - e. Presence and immediate availability of an officer of the same sex as the subject
 - f. General efficiency in handling a given situation
 - g. Other potential exigencies or factors
- (8) Strip Searches or Body Cavity Searches - When Authorized or Prohibited (C.R.S. §16-3-405).
- a. "Strip search" means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such person.
 - b. No person arrested for a traffic or a petty offense shall be strip searched, prior to arraignment, unless there is a reasonable belief that the individual is concealing a weapon or a controlled substance or that the individual, upon identification, is a parolee or an offender serving a sentence in any correctional facility in the state or that the individual is arrested for driving while under the influence of drugs.
 - c. Any strip search that is conducted shall be performed by a person of the same sex as the arrested person and on premises where the search cannot be observed by persons not physically conducting the search.
 - d. Every Denver police officer conducting a strip search shall obtain the written permission of the police commander or an agent thereof designated for the purposes of authorizing a strip search. A Command Officer, Sergeant, or Acting Sergeant is delegated the authority to give written permission.
 - e. No search of any body cavity other than the mouth shall be conducted, without first obtaining a search warrant. In cases where a person is suspected of having secreted narcotics or contraband in a body cavity, assistance shall be obtained through Denver 911 from the on call Vice/Narcotics Bureau supervisor and the on-call attorney from the Denver District Attorney's Office.
 - 1. Written permission will also be required from a police command or an agent thereof authorizing the strip search and/or body cavity search.
 - 2. The search must be performed under sanitary conditions and conducted by a licensed physician or nurse.
 - f. Written permission for a strip search shall be obtained on Strip Search Authorization, DPD 81. The completed form will be retained by the police department and will be maintained in the detective's case filing.
- (9) Officers should order-in, rather than jail, persons who have committed traffic offenses. See OMS 204.05. The following traffic offenses are excepted.
- a. DUI cases - See OMS 204.05(2)c.
 - b. Traffic cases where resistance or interference is involved. See (10) b.
 - c. Juvenile Traffic Arrests
 - 1. When necessary to arrest a juvenile for a traffic violation, the violator shall immediately be taken to Traffic Investigations Unit. See OMS 204.17
 - 2. The investigator will determine if the juvenile is to be incarcerated. The investigator will contact Juvenile Intake to confirm whether the juvenile will be held or not. The decision of Juvenile Intake will be final.
 - 3. Prior to incarcerating a juvenile, the investigator shall place appropriate approval on the reverse side of the City Attorney's copy of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice. See OMS 204.17(7).
- (10) Officers should, at their discretion, order-in rather than jail in assault and disturbance cases, if, in their opinion:
- a. There is no danger of a continuing assault and no danger to other persons, and
 - b. No resistance or interference to the officer involved. Prior to incarcerating a person on the charge of resistance and/or interference, the officer will receive approval from an officer of the rank of sergeant or above. Prior to giving approval, the sergeant or above will respond to the scene of the incident and evaluate the situation. The officer's probable cause statement must include the name of the sergeant or above approving the incarceration. See OMS 105.00, Use of Force.
 - c. For other minor misdemeanors, the officers should generally order-in rather than jail unless there is resistance or interference to the officer.
 - d. If you are in doubt, call your sergeant.

- (11) The scout car shall be used to transport all prisoners whenever possible. Juveniles may be transported in the scout car only in an emergency situation with a supervisor's permission.
- (12) When it is necessary or advisable to transport a prisoner in a solo officer car, the handcuffed prisoner shall be secured with a safety restraining device while sitting in the front seat and to the right of the officer. All necessary precautions will be taken by the officer.
 - a. When the police vehicle is equipped with a prisoner cage, all prisoners being transported shall be handcuffed and placed within the cage. Prisoners shall be secured with a safety restraining device unless, by their resistance or non-cooperation, this is neither practical nor safe for the officer.
- (13) When transporting a prisoner in a two officer car, the handcuffed prisoner will be secured with a safety restraining device while seated in the right rear seat. One officer shall always be seated to the left of the prisoner and directly behind the officer driver. All necessary precautions will be taken by both officers.
- (14) After a suspect has been arrested, the officers shall search the scene of the arrest for weapons, contraband, or evidence that may have been concealed, dropped, or thrown away by the suspect.
- (15) After the suspect has been transported in a patrol car or the scout car, the vehicle shall be searched by the officer for any weapons or evidence that the suspect may have been able to discard therein.
- (16) Keep all suspects separated.
- (17) Do not take suspect(s) back to the scene of the crime or allow them to return to their home, room, car, or elsewhere on any pretext without the consent of a supervisory officer.
- (18) Identification of suspects: When a description of a suspect is so general that there is uncertainty that the proper suspect is being detained, the victim or witness should be transported to the location of the stop to make identification.
- (19) At no time shall a charge of "Safe Keeping" or "Shelter" be placed against a prisoner without authorization of a commanding officer.
- (20) Fugitive Arrests
 - a. Except in instances of fresh pursuit, fugitives who are arrested in the City and County of Denver for other law enforcement agencies, shall be booked into the Denver Detention Center, "Hold for Fugitive Unit."
 - 1. If there is a representative from another agency who possesses a valid arrest warrant for the fugitive and makes a request that the fugitive be released to their custody, a command officer may approve the release if:
 - b. The fugitive is not wanted by Denver on a felony warrant or any Denver probable cause warrant, and if
 - 1. The arrest did not result in a use of force or a report of injury prior to arrest.
 - 2. The approving command officer will report the circumstances on a DPD 200, along with a picture of the suspect and forward the information to the Investigative Support Division Commander.
 - c. If the individual has a valid government photo identification, or is identified using the Morpho Print reader, the individual may be jailed.
 - d. The arresting officer must receive a copy of the warrant, a verified signed copy of the computer hit, or a copy of the request for verifying computer hit information to attach to the Warrant Arrest Report, DPD 288. Persons wanted on out-of-state warrants will be charged with "Hold for Fugitive Unit". Persons wanted on in-state warrants will be held for that jurisdiction, i.e., "Hold Jefferson County Sheriff Department, Warrant # xxxxx".
 - e. Whenever an individual is arrested on an out-of-state warrant, the arresting officer shall make a photocopy of the completed Warrant Arrest Report, DPD 288, and attach it to a letter to the Fugitive Unit which outlines the circumstances of the arrest.
 - f. Outside law enforcement agencies arresting persons who are wanted on any Denver warrant have the following options:
 - 1. The arresting agency may process the prisoner through its own facility and later transfer the party to the Denver Detention Center by personnel of the Denver Sheriff Department. These arrangements shall be made by the Fugitive Unit.
 - 2. The arresting agency may bring the prisoner to Denver's Identification Section, verify identity, obtain a copy of the warrant, and deliver the prisoner to the Denver Detention Center for

- booking.
- g. Juveniles arrested by an outside jurisdiction.
 - 1. Juveniles wanted by Denver for criminal offenses, but arrested in another jurisdiction, will be processed by the arresting jurisdiction in accordance with OMS 104.01(20).
 - 2. Juveniles arrested by another jurisdiction may be transported to the custody of a Denver officer at the City boundary if they are runaways (reported or non-reported) or victims of abuse or neglect occurring in Denver. The arresting jurisdiction must contact Denver 911 to arrange transportation.
 - h. Members of the Denver Police Department will not be sent to or agree to meet a representative of an outside agency for the purpose of accepting a prisoner for transportation to the Denver Detention Center.
- (21) Officers shall not take action on any case reported personally to them, where the Department does not have the original jurisdiction except arrests with warrants, without the approval of their commanding officer.
- (22) Fresh Pursuit
- a. C.R.S. §16-3-106 of the Colorado Revised Statutes (C.R.S.) gives a police officer three (3) alternatives in pursuing a suspect across county lines:
 - 1. To arrest the suspect
 - 2. Issue a summons and complaint
 - 3. Issue a notice of penalty assessment (Not used in Denver)
 - b. A suspect would only be taken into custody in subsection a. 1 above:
 - 1. After pursuit and upon an arrest, in a county other than Denver, the suspect shall be returned and booked in at the Denver Detention Center. (It is not necessary to have the suspect booked into the jail in the county where apprehended; however, as a matter of courtesy the appropriate agency in the jurisdiction will be notified.)
 - 2. Any offense that the suspect might have committed while being pursued in another county would be considered as a continuing offense, which could be included along with the original charge and tried in Denver County Court. See C.R.S. §18-1-202(7).
- (23) Reference can be made to the Mechanics of Arresting, Searching, and the Transporting of Prisoners in the Training Bulletins.
- (24) Investigation Division Arrest Procedures for Adults
- a. All adults arrested between the hours of 7:30 a.m. and 4:00 p.m., for investigation of an offense or pursuant to a warrant, who are the responsibility of the Investigation Division, shall be taken directly to the Investigation Division by the arresting officer.
 - b. The arresting officer will simply take the prisoner, and all related paperwork to a supervisor of the bureau involved. This supervisor will then review the case and assign a detective to the cases requiring immediate attention.
 - c. For those adult arrests that occur between 4:00 p.m. and 7:30 p.m., the arresting officer shall contact his immediate supervisor who will be responsible for approval of all paperwork. The officer shall then forward the paperwork, in Arrest Package Envelope, DPD 130, to the appropriate bureau and book the prisoner for "Investigation" of the applicable offense. NOTE: Statements and documentation must clearly articulate probable cause and all details of the arrest, for each charge.
 - d. In either instance, the supervisor will have final authority in determining the charges placed against the suspect. The supervisor will ensure that all documents necessary to establish probable cause and support the arrest are complete and have been approved by them, prior to being forwarded.
 - 1. Once all paperwork is approved for a felony arrest, the arresting officer will take the accused to the Detention Center, or arrange for transport of the arrestee by Scout Car. In addition to the documents currently required, the arresting officer will also provide the jail with a completed Felony Processing, DPD 275, for bonding and advisement purposes. A thorough Statement of Probable Cause articulating all elements of the offense must accompany the Felony P.A.
 - 2. Should the suspect be held for investigation of a misdemeanor, a completed Misdemeanor Processing, DPD 314, must accompany the suspect to the Detention Center. A thorough Statement of Probable Cause, articulating all elements of the offense, must accompany the Misdemeanor P.A.
 - 3. Officers will not place any dollar amounts for bonds on Felony or Misdemeanor Processing

Forms, or on the bottom of the Criminal Summons & Complaint.

4. Each of these forms shall be completed at the direction of the supervisor approving the arrest and paperwork.

- e. All juvenile arrests must be processed through the Juvenile Intake Desk.

(25) Arrest of Denver Community Corrections Inmates

- a. When called to a residential halfway house to arrest a rejected inmate placed by the Denver Community Corrections (D.O.C.) Board, the responding officer(s) shall search, handcuff, and transport the subject to the Detention Center.
- b. The arresting officer(s) will not be required to complete a General Session Summons & Complaint. The staff member at the halfway house will provide the officer with a completed "Officer's Arrest Report", Denver Sheriff Department Form #38, showing the charge of "Hold/Violation of Probation".
- c. If any additional violations such as resistance, disturbance, etc., occurred during the arrest and transportation of the prisoner, the transporting officer will file these charges on a General Session Summons & Complaint.
- d. This procedure applies only to Denver District Court Probation clients and NOT to Colorado Department of Corrections (D.O.C.) parolees. Both agencies operate community-based corrections facilities in Denver.

(26) Arrest of Denver Police Officers, Denver Sheriffs, Denver Firefighters, or any other Law Enforcement Officer:

- a. Whenever it becomes likely that probable cause exists to arrest or to file any charges on a Denver Police Officer, Denver Sheriff, Denver Firefighter, or any other law enforcement officer within the City and County of Denver, the Internal Affairs Division will be notified immediately to assess whether this division will handle the filing and/or charging of the officer, sheriff, or firefighter.
- b. Whenever a Denver Police Officer, Denver Sheriff, or Denver Firefighter is criminally charged or arrested in another jurisdiction, the Internal Affairs Division will be notified as soon as possible, if not by the jurisdiction involved, by the involved employee themselves, their supervisor, or the Denver Sheriff Department or Denver Fire Department Internal Affairs.

104.02 Female Suspects and Prisoners

- (1) Females shall not be touched by male officers except when necessary to take them into custody and to discover and seize weapons.
- (2) When females are transported, the dispatcher will be notified of the vehicle unit number, starting mileage and destination. Upon arrival, the officer will give his ending mileage.
- (3) Females shall not be interviewed alone by a male officer at Headquarters or district stations unless there is visibility into the room through glass or an open door, or a room where video monitoring equipment is present and in operation.
- (4) Females shall not be transported in the scout car with male prisoners unless they are husband and wife, or when the scout car has the accommodations for separation.

104.03 General Session Summons and Complaint, DPD 287

- (1) The General Session Summons and Complaint form is used whenever an adult suspect is charged with a violation of the Denver Revised Municipal Code (D.R.M.C) or Colorado Revised Statutes (C.R.S.), EXCEPT TRAFFIC. The completed form shall accompany the prisoner to the Detention Facility or be processed by the Courts in the case of an order in.
- (2) The General Session Summons and Complaint is a legal document, consisting of an original and three copies. The top sheet is the original of the complaint and the actual court docket. The first copy is the Defendant's Copy, the second copy is the Police Department's Copy, and the third copy is the City Attorney's Copy.
- (3) Front side of form:
 - a. All writing on this form must be done with a black ball point pen using sufficient pressure to ensure that all handwritten information on all copies of the document is legible. The cardboard flap of the book must first be placed under the last copy of each set of the form to ensure a hard writing surface. All handwritten information is to be printed in block letters except for the officer's signature.

- b. If the officer is unable to obtain the correct name, address, place of employment, or date of birth, he will leave the space provided blank and the sheriff will complete. If the suspect refuses to provide a name, the officer will write "John Doe" or "Jane Doe", (whichever applies) on the top of the GSS&C in the blank space immediately to the right of the words "GENERAL SESSION SUMMONS AND COMPLAINT".
- c. To charge a defendant with an offense not listed on the face of the Summons and Complaint, the arresting officer will print the appropriate section number and a brief description of the violation in the space marked "other violations".
- d. Arresting officers, when jailing or ordering defendants into court on the General Session Summons and Complaint, will make the appearance date to schedule a court date fourteen (14) days later, if such fourteenth day is a court day. If the fourteenth day is not a court day, the return date shall be on the next court date following the fourteenth day. Officers must be careful to avoid making the return date on Saturday, Sunday, or a holiday. (The General Session Summons and complaint states defendants may call the county Court or appear in person to schedule a court date.)
- e. In the case of a warrantless arrest, when the suspect is jailed, the bottom half of the form "Statement of Probable Cause", must be completed. If additional space is needed, use Statement of Probable Cause, cont., DPD 287A. See OMS 104.08. For a definition of probable cause, see OMS 104.50(4)b.

(4) Reverse side of form:

- a. The reverse side of the original copy of the complaint is the court "docket" and is not to be used by officers.
- b. After filling out the face of the original complaint, a carbon must be inserted between the Police Department's Copy and the City Attorney's Copy so that when the back of the City Attorney's Copy is written upon, this information will also appear on the back of the Police Department Copy.
- c. The back of the Police Department's and the City Attorney's copies must contain all the pertinent information concerning the description of the prisoner and clothing, and the details of the arrest, which should begin with the date, time, and location of the arrest. If the prisoner was jailed and this information is included in the "Statement of Probable Cause" on the face of the form, it need not be repeated in the Officer's Notes.
 - 1. If more than one person was charged by officers in a single event, this information should be recorded on the "co-defendant" line. This will enable the courts to "cross-reference" the cases.
 - 2. Any injuries to the prisoner must be documented; if there are no injuries, enter "none".
 - 3. Officers' notes should include any voluntary statements made by a prisoner concerning infectious diseases. A notation should also be made when a subject has blood or bodily fluids present on his person or clothing.
 - 4. List information concerning autos, vehicle license plates, and operator licenses when required.
 - 5. If the prisoner is not booked, but is sent to Denver Health Medical Center with a hold order, the following procedure shall apply:
 - a. All patients who are on a Denver Police Department hold for arrest who are or who indicate they may become combative will be handcuffed and transported with a Denver Police officer accompanying the patient in the ambulance, en route to the hospital. All other patient/prisoners on a Denver Police Department hold will be handcuffed and transported via ambulance with a Denver Police officer following directly behind the transporting ambulance. The prisoner/patient will remain the responsibility of the Denver Police Department officer until custody is transferred to the Denver Sheriff's Department at the Denver Health Medical Center (D.H.M.C.).
 - b. Searching of the patient/prisoner prior to transport will be the responsibility of the Denver Police officer who effected arrest unless it would interfere with the necessary medical treatment. In the event that a search cannot be accomplished, a Denver Police officer will accompany the patient/prisoner in the ambulance unless the following exception applies: Whenever a patient/prisoner in critical condition is transported from the field without a Denver Police officer escort, officers will respond to D.H.M.C. to cause custody transfer to the Denver Sheriff's Department. Also see OMS 109.02(2) Sick and Injured Report, DPD 150.

- c. Names, addresses, and telephone numbers of witnesses, accomplices, and complainants should be listed, and designated whether a witness or an accomplice, so if the prisoner pleads not guilty, the court may summon a witness to court for testimony. Officers shall inquire as to whether the witnesses and complainants wish their addresses to remain confidential. If the complainant or witness so indicates, officers shall check the "Address Confidential" box found on the bottom of the page. The City Attorney's office will then withhold this information during discovery proceedings.
- d. After making all necessary entries on the General Session Summons and Complaint form, the officer completing the form shall determine which officer involved in the arrest is most qualified, because of personal knowledge of the facts of the case, to be the best witness for the prosecution. The name and serial number of this officer shall then be placed on the top line on the front of the General Summons and Complaint form. This officer shall be the only police witness to receive a court appearance notice.
- e. Endorse all officers who are needed for the successful prosecution of the case. Only testimony of a competent witness is admissible. Unless an officer has personal or direct knowledge of the facts of a case, he is not a competent witness in that case.

(5) Service and Distribution of Summons and Complaint

- a. When the General Session Summons and Complaint form is completed, and it has indicated the date, time, and by whom it was served, the Defendant's copy shall be given to the defendant.
- b. If the defendant is jailed, the remaining copies shall be delivered to the Detention Center where they will be processed.
- c. In cases where it would not be practical to serve the Summons (Defendant's Copy) to the prisoner, for example, when the prisoner has refused to provide a name, leave the "date served" blank and send the complete form to the Detention Center. When the identity of the prisoner has been determined by the Police Identification Section, a Technician from the Police Identification Section will be sent to the Detention Center to serve the prisoner with the defendant's copy of the GSS&C. If the Police Identification Section is unable to determine the identity of the prisoner, court personnel will determine an appropriate name at arraignment and be responsible for service of the defendant's copy.
- d. If the defendant is being ordered-in to court, the remaining copies of the GSS&C will be sent to the Records Section for distribution.

104.04 Investigation and Hold Arrests

- (1) When a prisoner is arrested for investigation or on a "hold" for a certain bureau, an agency or institution, the officer will use the Police Department copy only. In the lower left-hand corner of this copy in the space marked "other violations" the words "investigation of" and/or "hold for" will be noted along with the nature or type of investigation or hold and the agency for which the hold is placed.
- (2) Officers shall not book a prisoner for "investigation" of any offense without first notifying the appropriate investigative unit.
 - a. For those arrests occurring between 1530 hours and 0730 hours, the arresting officer will contact his/her immediate supervisor who will approve all paperwork and route it to the appropriate investigative unit.
 - b. The arresting officer will complete a written statement detailing his/her actions and observations of the arrest.
- (3) "Hold Orders" shall not be placed against persons who attempt suicide, or against witnesses or victims of assaults, nor shall these persons be transported in a scout car.
 - a. "Hold Orders" shall not be placed against persons sent to Denver Health Medical Center unless they are charged with a violation of the law, investigation of an offense, or "Hold for Mental Health."
 - b. All "Hold Orders" placed by officers on prisoners at the County Jail shall be made in writing and signed by the officer placing the "Hold."
 - c. "Hold Orders" shall be removed or withdrawn in writing and signed by the officer withdrawing such "Hold."
 - d. The County Jail will notify officers when prisoners with "Holds" become eligible for release. Upon

such notification, the officer or someone acting in their behalf will arrest the prisoner upon their release at the County Jail.

- (4) Every person arrested and jailed on an investigation charge must be advised of their rights and made eligible for bond at the next scheduled court session following the arrest. The arresting officer will complete either a Felony Processing Form, DPD 275, or a Misdemeanor Processing Form, DPD 314. Officers will not place any dollar amounts for bonds on Felony or Misdemeanor Processing forms unless it is noted on the arrest warrant. The appropriate processing form will accompany the prisoner to the Detention Facility.
- (5) Each investigator of the Department will be responsible for the charges against prisoners in the Detention Facility which are their responsibility to investigate. It shall be the duty of the investigating officers to make sure such cases are processed with no unnecessary delay. Arresting officers may check with both the Investigative Unit and the Detention Facility for information on the status of the case.

104.05 Changing Charges

- (1) Only the arresting officers or detectives assigned to a case may change charges. Identification Section personnel will add a charge when there is an active pickup in their files. Identification Section personnel will not change the original charge.
- (2) Officers will use a Change of Charge Form, DPD 43, when dropping, adding or changing charges against prisoners under their investigation.
 - a. The investigating officer will indicate on DPD 43 either the charges filed or release the "investigation" charge and the prisoner from custody.
 - b. The investigating officer shall deliver, either in person or by fax, the Change of Charge Form to the Identification Section. Personnel assigned to the Identification Section will cause the Change of Charge Form to be scanned into the prisoner's Arrest-Booking Record and the appropriate add or drop charges will be entered within the Record Management System. Identification Section personnel will then ensure that a copy of the Change of Charge Form is delivered to the appropriate Detention Facility of the Denver Sheriff's Department in a timely manner.
- (3) The warden in charge of the Detention Facility or an authorized representative shall be responsible for the prompt release of a prisoner after all police holds have been cleared. In addition, they shall be responsible for clearing charge(s) from their prisoners' records. They will hold the prisoner if additional charges are pending or release them if there are none.
- (4) Whenever a Change of Charge form is submitted and charges are changed, the following information must appear on DPD 43:
 - a. In addition to Hold for Capias, Warrant, County Court Warrant, General Session Summons and Complaint, etc., the specific charge and the designation of felony or misdemeanor shall be recorded.
 - b. Warrant and/or docket number if known.
 - c. The name of the Court issuing the Capias, Warrants, etc., such as County Court, District Court, Superior Court, or Juvenile Court.
 - d. It is not necessary to specify the statute section number.
- (5) Adding Charges: If additional, unrelated charges are placed against a prisoner already in custody, the investigating officer shall complete Statement of Probable Cause, cont., DPD 287A, outlining the probable cause for the additional charge. This form and a copy of the Change of Charge, DPD 43, must be included with the paperwork delivered to the Detention Center. The other copy of the Change of Charge must be delivered to personnel assigned to the Identification Section, either in person or by fax.

104.06 DELETED 04/2013

104.07 City Ordinance Violations Committed Out of the Officer's Presence or by a Suspect No Longer at the Scene

- (1) The decision to charge or not charge a defendant with a violation of City Ordinance shall be made by the officer at the scene after available evidence has been gathered and evaluated. See OMS 104.50 regarding Domestic Violence Incidents.

- (2) When an officer has probable cause to believe a City Ordinance violation has occurred and the suspect is gone, or when an officer sees an ordinance violation but is unable to capture the suspect, the officer shall make every reasonable effort to determine a suspect's correct identity and/or obtain positive identification before requesting the issuance of an arrest warrant. Information from such sources as witnesses, crime computers, and Identification Section files should be used. Merely locating a name in a computer database that is the same or similar to a suspect's name does not, by itself, provide probable cause to believe that the person in the database is the same person as the suspect. Other corroborating information must also be present to establish probable cause. If a positive identification cannot be made based on the reliable information available, a General Offense (GO) report, DPD 250, should be completed, in lieu of requesting an arrest warrant, to allow detectives to determine the suspect's correct identity. See OMS 104.50(5) for the standards of determining probable cause in Domestic Violence cases.
- a. If the suspect's identity can be determined the officer will complete a GSS&C/Warrant, DPD 236, if the suspect is an adult, or a JS&C/Warrant, DPD 386, for a juvenile suspect, swear to and affirm its contents in the presence of a notary.
 - b. The GSS&C/Warrant, or the JS&C/Warrant, and all related paperwork (Wanted/Missing Person, Affidavit continuation, Domestic Violence Case Summary, Statements, etc.) will be placed in the Routing Envelope, DPD 236A, and forwarded to the Identification Section.
 - c. If an adult suspect is located before the warrant has been forwarded to the Identification Section, the suspect may be ordered in or jailed with the original GSS&C/Warrant form. The initiating officer must note on the GSS&C portion of the form (next to the service information) that the suspect has been 'jailed' or 'ordered in'. The officer must also add the court date and service information and serve the defendant.
 1. If the suspect is to be jailed, the Denver Sheriff Department procedures require that affidavit portion of the form be notarized before they will take custody.
 2. If the suspect is to be ordered in, the GSS&C Warrant Form and related documents should be placed in the Document Pack for Municipal Cases, DPD Form 504 and forwarded to the Records Section. In this case, DO NOT USE THE ROUTING ENVELOPE.
 - d. If a juvenile suspect, or a relative over the age of eighteen, is located before the paperwork is processed, the officer should mark the box "Summons & Complaint", obtain a court date and time from the clearance channel and serve the paperwork. The method of service must be indicated. See OMS 402.07(5)c.
 - e. The Identification Section is responsible for the transportation of GSS&C/Warrants and JS&C/Warrants to and from the Courts. County Court judges shall review and issue these warrants.
 - f. Information on issued warrants will be entered on the CCIC crime computer system.
 - g. The Identification Section will store the signed warrants and related documents.
 - h. Apprehension of suspect and service of warrant:
 1. When an adult suspect is apprehended, and after verification of the warrant
 - a. Those wanted on order-ins must be brought to the Identification Section to be served
 - b. Those who are to be jailed may be transported to the Identification Section for processing or to the closest police facility for FAX warrant verification. See OMS 104.09(3)c.
 2. When a juvenile suspect is apprehended, he/she must be brought to ID for service
 - i. If officers contact a suspect believed to be wanted on a recently requested warrant, but the warrant has not yet been entered on the computer, the NCIC operator should be contacted to verify the existence of the warrant. Depending upon the information received from NCIC, there are three possible courses of action to be followed:
 1. If officers are advised that a judge has signed the warrant and it is awaiting computer entry, the suspect shall be arrested, transported to the Identification Section, and processed using the documents forwarded by the initiating officer.

2. No arrest shall be made pursuant to either a GSS&C/Warrant or a JS&C/Warrant which has been forwarded by the initiating officer but which has not yet been signed by a judge. EXCEPT, an officer may, under narrowly defined circumstances, make an arrest on an unsigned warrant if:
The named suspect presents an IMMEDIATE DANGER to some person if not arrested AND, The arresting officer can confirm that the completed GSS&C/Warrant or JS&C/Warrant form is being held by Police Department Personnel (Identification Section, District Station, etc.). The paperwork must be retrieved by the arresting officer.
NOTE: This exception to standard procedure should be used with advised caution and only in cases involving domestic violence or other situations where violence could result.
3. Officers shall not make arrests on GSS&C/Warrants or JS&C/Warrants during that short time period in which the warrants are in the court's possession, awaiting signature by a judge. If the suspect commits a second offense, he/she is, of course, subject to arrest on those charges.
- j. If not executed, all GSS&C/Warrants and JS&C/Warrants will be purged after one year. The DPD 110 will then be returned to the initiating officer.
- (3) If evidence is unavailable to show that a City Ordinance violation has occurred, the officer shall tactfully but firmly explain to the citizen the limits of police involvement allowed by the law.
 - a. If a citizen requesting police action does not accept the officer's decision, the officer will summon a sergeant to the scene to evaluate the situation.
 - b. The officer will note on the Daily Activity Log, DPD 120, the name of the sergeant responding to the scene, relevant data about the call and the supervisor's decision.
 - c. A citizen who continues to demand police action after the sergeant has deemed none to be in order shall be directed to the District Station to discuss the matter with the shift commander.
 - d. In no instance is the citizen to be referred to the City Attorney's Office, the County Court, or to the Information Desk at Headquarters.

104.08 Warrantless Arrests

- (1) Any time a person is arrested and jailed without a warrant, or placed in the Gilliam Youth Services Center, a statement of probable cause for the arrest must be submitted to the court.
- (2) When jailing an adult, complete the "Statement of Probable Cause" which constitutes the bottom half of the General Session Summons and Complaint prior to delivering the prisoner to the Detention Center. If additional space is needed, use Statement of Probable Cause, cont., DPD 287A.
- (3) Juvenile Arrests - Complete the Statement of Probable Cause found on the reverse side of the Juvenile Case Summary. Two (2) copies of the Juvenile Case Summary must accompany the juvenile to the Gilliam Youth Services Center. If additional space is needed, use Statement of Probable Cause, cont., DPD 287A.
- (4) Change of Charge - If additional, unrelated charges are placed against a prisoner already in custody, a Statement of Probable Cause, cont., DPD 287A, must be completed, outlining the probable cause for the additional charge. This form must be included with the paperwork delivered to the Detention Center.
- (5) Traffic Arrests - Any person arrested on a traffic charge without a warrant will be transported to the Traffic Investigations Unit for processing.

104.09 Central Want and Warrant Files (Persons and Property) (Revised 04/2013)

- (1) A central want and warrant file will be maintained in the Identification Section. Information from this file can be obtained only by persons known to be criminal justice personnel.
- (2) The central Wanted Persons and Warrant File functions in this manner:
 - a. A copy of the pickup and a photograph of the wanted person are sent to the Bulletin Editor. Cancellations will be noted on DPD 252/110.
 - b. File checks can be made by name only on pickups without DPD numbers.
 - c. All wanted notices from the Denver Police Department and Denver Courts will be filed in the Wanted File. All such notices will include the signature of the person responsible for the notice and not just the name of the requesting agency.

- d. No Denver Police Department charges will be placed against a prisoner being held in the Detention Facility for any federal law enforcement agency or on a writ of habeas corpus, even though a valid warrant is on file. Instead, the detective or agency initiating the warrant will be notified that the person is being held for a federal law enforcement agency or on a Writ of Habeas Corpus. Identification Section personnel will not initiate a cancellation but will retain the warrant on file until it is canceled by the originating detective or agency.

(3) Processing Persons Wanted on Warrants

- a. No individual will be jailed on any warrant until the warrant is verified by Identification Section personnel.
- b. If the individual has valid government photo identification, or is identified using the Morpho Print reader, the individual may be jailed.
 - 1. If the individual does not have valid government photo identification, or cannot be identified using the Morpho Reader, he/she will be transported directly to the Identification Section for warrant verification.
 - 2. If the person is wanted on a General Session Summons & Complaint/Warrant (a GW case number), and is to be ordered in rather than jailed, he/she must be transported to the Identification Section to be served.
 - 3. If the person is wanted on a JS&C/Warrant, he/she must be transported to the Identification Section to be served.
 - 4. If a person is wanted by this department on a probable cause warrant supported by a Criminal Summons & Complaint, the officer must transport the prisoner to the Identification Section to be served and then jailed.
- c. Processing at a District Station via FAX
 - 1. The arresting officer will FAX a completed FAX Warrant Verification form, DPD 465, to the Identification Section.
 - 2. When Identification Section personnel have verified the warrant, they will FAX a copy of the computer printout and verification stamp to the officer at the District Station. Unless a plain paper FAX is used, the officer will make a photocopy of the FAX printout to be attached to the Warrant Arrest Report, DPD 288.
 - 3. The prisoner may be transported to the Detention Center by Scout Car.
 - 4. When DPD 465 is received by the Identification Section, the warrant will be canceled from CCIC or a "locate" sent to the originating agency. The paperwork (warrant, P.A., teletype, etc.) will be forwarded to the Detention Center when the subject arrives at the jail.
 - 5. If a person is wanted on a GSS&C/Warrant, DPD 236, Identification Section personnel will FAX copies of the front and back of the defendant's copy to the officer, who will serve the prisoner.
- d. Identification Section Processing
 - 1. The arresting officer will be given a copy of the computer printout showing the bond amount and the signature of the verifying Identification Section officer.
 - 2. This paperwork and the Warrant Arrest Report, DPD 288, must be given to the Detention Facility elevator operator when the prisoner is placed in his custody.
- e. If warrant and bond verification cannot be determined within the time limits prescribed by NCIC/CCIC rules, and the warrant is the only reason for jailing the party, the party may be released at the officer's discretion. However, if there are additional charges, the party may be jailed on those charges.

(4) Officers having probable cause to stop and question persons about property in their possession are encouraged to ascertain whether the property has been reported stolen.

- a. If a computer inquiry indicates the property has been reported stolen, the item(s) are to be confiscated and placed in the Property Management Bureau as evidence.
- b. PRIOR TO JAILING ANY SUSPECT, OFFICERS WILL NOTIFY A MEMBER OF THE APPROPRIATE DISTRICT INVESTIGATIVE UNIT.
 - 1. During the dedicated staffing hours of the appropriate District Investigative Unit, detectives are available to assist the arresting officers.
 - 2. At other times, the detective or sergeant assigned to the District Investigative Unit can be contacted through the Denver 911 dispatcher.
- c. Officers should consider all available information such as the nature of the offense in the original

report, how long ago the report was made, the statements and demeanor of the suspect, the circumstances of the arrest, the type of item and even its value. Possession of a reportedly stolen item should not be the only criterion upon which the decision to jail is based.

1. The date the item was reported stolen is important. If the item is wanted in connection with a case REPORTED TO THE DENVER POLICE DEPARTMENT less than ten days prior to the apprehension of the suspect, a stronger case for jailing the person is made. In those instances where the item was reported to the DPD more than ten (10) days before the arrest, issue a Request to Appear to the suspect to see the assigned detective for the next business day.
 2. In those instances where an item has been reported wanted by any law enforcement agency other than the Denver Police Department, officers shall contact the specific outside law enforcement agency for direction. If a representative from the outside law enforcement agency is unavailable, seize the reported stolen items and send the related reports (i.e. Property Invoice, officer statement, suspect information, etc.) to the assigned investigator from the outside law enforcement agency.
 - d. When officers have decided to jail the suspect, the charge will be consistent with that listed on the original report, such as "Investigation Burglary, Case # 123456789". There is no statute to substantiate the charge of "Investigation Illegal Possession of Stolen Property."
 - e. All paper work related to the arrest and/or order-in such as statements, computer printouts, or copies of the General Session Summons and Complaint should be forwarded without delay to the assigned detective.
- (5) Denver County Court Warrant Arrests
- a. Denver County Court Warrants include Failure to Appear bench warrants, Failure to Comply or Contempt of Court Warrants. These warrants are entered onto CCIC and will have a bond amount or list the number of days to be served in jail.
 - b. When an officer receives notification that a subject is wanted on a Denver County Court Warrant, they shall proceed as outlined in 104.09 (3)
- (6) Changing Charges:
- a. Option 1: Deliver in person both copies of the Change of Charge Form, DPD 43, to the Identification Bureau along with any new documents (i.e. Felony PA, PC Statement, etc.) supporting the amended charge(s). Personnel from the Denver Sheriff's Department are responsible for collection of these documents and have scheduled pick-up times to collect the reports.
 - b. Option 2: Fax a copy of the Change of Charge Form DPD 43, to the Identification Bureau along with any new documents (i.e. Felony PA, PC Statement, etc.) supporting the amended charge(s) AND hand deliver the original charging documents to the Records Section of the Detention Center. Personnel assigned to the DPD Identification Bureau will update the prisoner's record and cause the supporting Change of Charge documents to be scanned into the Versadex system under the specific case. Once complete, the DPD Identification Bureau staff will send copies to the Detention Center.
- (7) If an investigator is notified by another jurisdiction that the subject of his/her warrant has been arrested, he/she shall notify the Fugitive Unit immediately. Fugitive Unit personnel will place holds and arrange to have the subject returned to our jurisdiction.

104.10 Arrest Warrants

- (1) Definitions
- a. AT LARGE Arrest Warrants: Issued by the District Attorney's Office after acceptance for filing of a criminal case with the court. The investigating officer will sign the affidavit at the District Attorney's Office. To obtain an At-Large Warrant, the District Attorney must make a showing that the alleged suspect has fled the State of Colorado, and that the District Attorney is willing to extradite the alleged suspect from the location of arrest. At Large warrants are valid for extradition nationwide.
 - b. PROBABLE CAUSE Arrest Warrants: An investigative warrant, valid for extradition only in the State of Colorado, used when the filing of criminal charges is pending. The investigating officer who completes an Affidavit and Application for Arrest Warrant, DPD 69, and swears to the information in front of a judge obtains the warrant. Investigators shall use Probable Cause Warrants to arrest individuals suspected of committing State misdemeanors and felonies and in furtherance of an investigation(s).

- c. GENERAL SESSION SUMMONS & COMPLAINT/WARRANT, DPD 236: Used for violations of the Denver Revised Municipal Code (D.R.M.C) of the City & County of Denver when the suspect is known and is no longer at the scene of the offense. See OMS 104.07.
- d. JUVENILE SUMMONS & COMPLAINT/WARRANT, DPD 386: Used for those violations of the Denver Revised Municipal Code (D.R.M.C) of the City and County of Denver which meet the District Attorney's filing guidelines, when the juvenile suspect is known and is no longer at the scene of the offense. See OMS 104.07 and 402.07.

(2) Warrants Issued by Other City Agencies

- a. A County Court clerk will place warrants issued for failure to appear on General Session charges.
- b. The County Court will handle bench warrants for failure to appear on County Court State Misdemeanor charges.
- c. The Denver Sheriff's Department will handle all Alias Capias warrants issued by the District Court.

(3) Obtaining At-Large and Probable Cause Arrest Warrants

- a. The investigating officer must complete an affidavit that specifies facts sufficient to support the occurrence of an offense and probable cause to support that a particular person committed the offense (Affidavit and Application for Arrest Warrant, DPD 69). The investigating officer shall present the affidavit to a County or District Court Judge for review. If the Judge concurs with the probable cause detailed in the affidavit, the Court shall issue an arrest warrant commanding any peace officer to arrest the person named in the warrant (see C.R.S. 16-3-108).
 - 1. Investigating officers shall obtain Probable Cause Warrants when seeking the arrest of any individual suspected of committing a State felony or County misdemeanor in the City and County of Denver. The investigating officer shall then follow the procedures outlined in OMS 104.10 (4).
 - 2. When the investigating officer obtains Probable Cause Warrants for State felonies, the investigating officer shall discuss the matter of extradition with the District Attorney if the investigation shows the suspect fled the State of Colorado.
 - 3. In instances where the District Attorney will extradite the suspect from another state, the investigating officers shall follow the procedures outlined in OMS 104.10 (3) b.
 - 4. In instances where there is insufficient information or evidence for the District Attorney to make a decision about extradition, the investigating officer shall follow the computer entry procedures outlined in OMS 104.10 (4).
- b. When the investigating officer obtains a Probable Cause Warrant for individuals suspected of committing a State felony and the investigation or information supports that the suspect is no longer in the State of Colorado, the assigned investigating officer shall:
 - 1. Present the case to the District Attorney to determine if filing criminal charges is applicable. If the District Attorney accepts the case for filing, the assigned investigating officer shall request an At-Large Warrant for the arrest of the suspect. The District Attorney will complete the At-Large filing documents and have the assigned investigating officer sign the affidavit. The assigned investigating officer shall submit the completed At-Large Warrant to the NCIC/CCIC operator in accordance with OMS 104.10 (4)
 - 2. If the District Attorney refuses the case for filing of criminal charges and the issuance of an At-Large Warrant, knowing that the suspect is out of the State of Colorado, the assigned investigating officer shall obtain a Probable Cause Warrant in accordance with OMS 104.10 (3) a and the recommendation of the District Attorney. The assigned investigating officer shall include a copy of District Attorney Form DA-122, DA Case Filing Form indicating "Obtain PC Warrant" with the investigative case file.
 - a. District Attorney Form DA-122, DA Case Filing Form is work product of the District Attorney and not available for discovery. As this document is not discoverable, no member of the Denver Police Department shall produce the document to the public as part of an open records request, or to any defense attorney as part of a discovery request.
- b. When a jurisdiction outside the State of Colorado arrests an individual wanted on an At-Large or Probable Cause Warrant, the NCIC/CCIC operator shall immediately notify a supervisor assigned to the unit responsible for obtaining the warrant.
 - 1. For suspects arrested on At-Large Warrants, the assigned investigating officer shall notify the Fugitive Unit to begin the extradition process. The investigating officer shall make written notification through their chain-of-command when requesting travel to the jurisdiction of arrest to interview the arrested suspect.

2. When the out of state jurisdiction holds a suspect on a Probable Cause Warrant only, the supervisor assigned to the unit responsible for obtaining the arrest warrant shall immediately assign an investigator to investigate. The assigned investigating officer shall contact the District Attorney and discuss the information or evidence necessary to obtain an At-Large Warrant for the suspect. If travel is necessary to further the investigation, the investigating officer shall make written notification through their chain-of-command to arrange travel to the jurisdiction of arrest.
 - a. If the District Attorney approves the At-Large filing after discussions with the assigned investigating officer, or after travel to obtain further information, the investigating officer shall notify the jurisdiction of arrest and inform them that an At-Large Warrant is forthcoming. The investigating officer shall then follow the procedures outlined in OMS 104.10 (3) b. 1.
 - b. If the District Attorney refuses the At-Large filing, and unless advised by the District Attorney that probable cause no longer exists, the investigating officer shall keep the Probable Cause Warrant active and notify the arresting jurisdiction that extradition will only occur within the borders of the State of Colorado. The investigating officer shall discuss with the District Attorney what evidence or information is necessary to obtain an At-Large Warrant. The investigating officer shall note the discussion in the supplemental report for the case file.
- (4) After obtaining an At Large or Probable Cause arrest warrant, the assigned investigating officer will:
 - a. Forward the following paperwork to the Identification Section for computer entry. This will include:
 1. A completed Wanted/Missing Person (DPD 252/110).
 - Before sending this form to the Identification Section, the assigned investigating officer will run a computer check on the named subject, obtaining the last known address, and DPD number if known.
 - When completing the Wanted/Missing Person (DPD 252/110) for a felony probable cause warrant, officers will include the following information in the miscellaneous field:
If contacted out of state notify ORI for possible extradition. Call the (name of investigative unit) on-call supervisor via Denver 911.
 2. One (1) copy of the warrant
 3. The appropriate felony or misdemeanor processing form
 - b. Staple one (1) copy of the warrant to General Offense (GO) report, DPD 250, and Supplementary Report.
 - c. When officers make application to any court (e.g. Search Warrants, Arrest Warrants, Rule 41.1, and associated documents such as Search Warrant Envelopes, Sealed Search Warrant Envelopes, Return and Inventory, etc.), officers shall place the Denver Police Department General Offense (GO) number on those documents.
 1. If a location for the GO number does not exist on the document, officers shall hand write or type: "Denver Police Department GO#" and note the GO number for the investigation.
- (5) General Provisions for Fugitive Warrant Procedures
 - a. Of primary concern in all criminal investigations is the apprehension of suspect(s) named in arrest warrants as soon as possible following the issuance of the arrest warrant. This section shall outline the procedures used to affect the arrest of persons wanted for a criminal offense and the procedures used to document the methods used by the personnel affecting the arrest.
 - b. General Procedures Prior to an Attempt Pick-up
 1. Ensure the arrest warrant is active by conducting a test clearance of the wanted subject.
 2. Perform an entity check through the Versaterm System seeking information that would render a pick-up unnecessary (e.g. prior unsuccessful pick-up attempt(s), subject moved, bad address, etc.)
 3. Prior to attempting an arrest pick-up, officers shall contact Denver 911 and request any information pertaining to the location of the attempt pick-up.

4. Considering 16-3-106, C.R.S., officers shall contact the appropriate jurisdiction when attempting an arrest outside the jurisdictional boundaries of the City and County of Denver. Unless in fresh pursuit of a suspect, an officer not only risks losing potentially valuable evidence, but is also in violation of the law when he or she travels outside the City and County of Denver to arrest a wanted person without the assistance of law enforcement from the appropriate jurisdiction. Absent fresh pursuit, when making an arrest outside of the jurisdictional boundaries of the City and County of Denver, an officer requires both probable cause, and the physical presence and assistance of the outside jurisdiction, to make the arrest.
 5. Upon completion of the attempted pick-up, officers shall notify Denver 911 and provide the dispatcher with appropriate call disposition (e.g. success/unsuccessful, suspect no longer resides at the address, bad address, suspect family resides at address, suspect no longer lives there, etc)
 6. All officers attempting a pick-up shall complete an entry on the Versadex Street Check system noting the pick-up outcome. Officers shall forward all Information related to any intelligence regarding the subject, the location, or additional information that may assist future arrest attempts, directly to the assigned detective.
 7. The assigned detective shall include all information related to the arrest or arrest attempts in their respective investigative case file prior to filing the case with the District Attorney.
- c. Felony Warrants
- All warrants will be submitted to OSI/NCIC/CCIC/Webmug immediately upon obtaining the warrant. This applies to all procedures below.**
1. All violent felony warrants where the assigned detective does not have the means to expeditiously secure the suspect (e.g. imminent voluntary surrender); the assigned detective shall advise their immediate supervisor and coordinate apprehension efforts through the Fugitive Unit.
 2. In most cases, the Fugitive Unit will be assigned as the primary investigative unit for fugitive apprehension. Exceptions would be arrests warrants that can be coordinated and executed immediately by those investigators having knowledge of the whereabouts of the individual being sought. However, the Fugitive Unit shall still be notified of the apprehension attempt and disposition.
 3. At the same time the arrest warrant is delivered to the Identification Bureau for entry onto NCIC/CCIC, the assigned detective shall hand carry a copy of the arrest warrant to the Fugitive Unit along with work-up packet information (e.g. criminal history, suspect photograph, etc.).
 4. During normal business hours, a copy of the arrest warrant must be placed in the warrant box located at the Fugitive Unit Reception Desk.
 5. After normal business hours, a copy of the arrest warrant shall be placed in the lock box that is mounted outside the door of the Fugitive Unit. This box is labeled "Fugitive Warrants". When the assigned detective obtains a felony warrant during non-duty hours, and it is in the best interest for the safety of the community to have the fugitive immediately located and arrested, the assigned detective will contact their supervisor who will cause the Fugitive Unit to be notified as stated in c.1. above for the purpose of an immediate apprehension operation.
- d. Misdemeanor Warrants
1. In cases where the assigned detective obtains a misdemeanor warrant, the assigned detective shall initiate all reasonable efforts to apprehend the subject prior to the end of the assigned detectives' shift.
 2. In those cases where the misdemeanor warrant reaches a more serious level (i.e. domestic abuse cases where victim remains in imminent danger, sexually or biased motivated crimes, victim is a public official, part of pattern offense, etc.), the assigned detective shall advise their immediate supervisor and coordinate apprehension efforts through the Fugitive Unit as outlined above in the Felony Warrant section.
 3. When initial arrest attempts prove unsuccessful, and the nature of the offense does not necessitate an immediate response, the assigned detective shall complete a Street Check as outlined in OMS 104.10(5) b. 6.
- e. In any instance where a subject's arrest or warrant cancellation occurs with respect to a Denver Police Department warrant, the Identification Bureau personnel shall notify the appropriate investigative bureau personnel.

1. Upon the arrest of a wanted subject, or when the cancellation of a warrant occurs, the Identification Bureau personnel shall forward a copy of DPD Form 252/110 – Wanted/Missing Person, to the responsible investigative unit and the assigned detective.
 2. The assigned detective shall document the arrest or cancellation information in the appropriate case file supplemental report.
- (6) The U.S. Immigration and Customs Enforcement (ICE) has the authority to enter detainer requests and warrants issued by a court into the NCIC system.
- a. A detainer is a request for agencies to hold subjects contacted by law enforcement for immigration violations. The Denver Police Department will not hold subjects for detainers; however, the Denver Sheriff Department will communicate with ICE when a subject with detainer information is in custody.
 - b. A warrant may be originated from ICE issued by a court, most commonly a federal court. If a warrant is entered, the Denver Police Department will process the warrant like any other criminal warrant from another agency.
 - c. Officers must contact the Identification Section to verify whether NCIC information entered by ICE constitutes a detainer or a warrant. The word “warrant”, or more specifically “administrative warrant”, may appear under the MIS field or other fields of the NCIC response when no actual warrant has been issued. It is necessary to have ICE verify and clarify, through the NCIC Unit, whether a detainer or actual warrant is in effect.

104.11 DELETED

104.12 DELETED

104.13 DELETED

104.14 Assisting Peace Officer

- (1) A peace officer making an arrest may command the assistance of any person who is in the vicinity.
- (2) A person commanded to assist a peace officer has the same authority to arrest as the officer who commands this assistance.
- (3) A person commanded to assist a peace officer in making an arrest shall not be civilly or criminally liable for any reasonable conduct in aid of the officer or for any acts expressly directed by the officer.
- (4) Private citizens, acting in good faith, shall be immune from any civil liability for reporting to any police officer or law enforcement authority the commission or suspected commission of any crime or for giving other information to aid in the prevention of any crime. C.R.S. §16-3-202 (2012).

104.15 DELETED

104.16 DELETED

104.17 DELETED

104.18 Processing Pickups or Cancellations for Wanted Persons and/or Property

- (1) Officers shall use Wanted/Missing Person, DPD 252/110, and NCIC/DCIC Information, DPD 252/110, when placing pickups on a person or vehicle.
 - a. No "pickup" may be placed on a person without a warrant, unless that person is reported missing or runaway.
 - b. Officers completing the forms will route them directly to the Identification Section.
 - c. When the wanted notice has been entered on the computers, the DPD 252/110 will be returned to the issuing officer or agency. This form will be retained until the party is arrested, located or the case disposed of, or the vehicle is located or no longer wanted.
- (2) To enter, modify or cancel an item/property with a serial number, engraving, owner applied number or unique description in NCIC/DCIC, an electronic 252B (Stolen/Recovered Guns/Articles/Securities), shall be used. The electronic 252B is within the V-Mail module of the department's Record Management System (Versadex).
 - a. In Versadex, go to V-Mail module and select the NEW option.
 - b. Select Mail Template and choose the appropriate category – Articles, Bicycles, Guns or Security.

- c. Fill in template with identifying information.
- d. Send the form to the HPAWN Handle and mark a copy for your records
- e. Personnel in the Records Bureau will receive and process the request by entering the data on NCIC/DCIC.

If an officer does not have access to the electronic version of the 252B form, a paper version of this form can be completed and sent via Inter-Departmental mail to the Records Bureau – attention Pawn Shop Records.

- (3) Officers calling in to place a pickup or cancellation on a juvenile or missing person will call the bureau concerned during its hours of operation.
- (4) When submitting pickups to the Identification Section on DPD 252/110, or to the Records Bureau on DPD 252B, include any known numbers which are unique to the person, item or vehicle, i.e., DPD number, FBI number, Social Security number, driver's license number, military serial number, vehicle identification number, or serial number.
- (5) When personnel from outside jurisdictions call by telephone and want pickups made of subjects who are thought to be in our jurisdiction, the demanding state or local county shall be informed that the telephone call must be immediately confirmed by telegram, LETS message or a letter with a certified copy of their warrant. A specific individual must be named who is placing the pickup and not merely the agency. Calls should be made to the Fugitive Unit during normal business hours and the Detective Bureau during non-business hours (nights or on weekends).
- (6) Responsibility for Initiating Cancellations
 - a. The arresting officer is responsible for canceling the pickup on a subject brought to the Identification Section prior to being jailed or being served an order in. If the party is ordered in, this should be indicated on DPD 252/110 when the pickup is canceled.
 - b. When a warrant is canceled by the FAX procedure described in OMS 104.09(3), Identification Section personnel will cancel the DPD 252/110 and sign the original warrant per the arresting officer.
 - c. The Missing and Exploited Persons Unit will be responsible for initiating the cancellation upon the location or apprehension of the missing person or runaway.
 - d. The initiating officer is responsible for canceling a pickup in cases when the suspect is not arrested or is no longer wanted, or the vehicle/property is recovered or no longer wanted.
 - e. Cancellations shall be made immediately upon determining that the person, property, or vehicle is no longer wanted.
- (7) Cancellation of Pickups
 - a. A pickup can be canceled and removed from the computers only after an officer cancels the DPD 252/110.
 - b. If a wanted party is located without being arrested, the case is disposed of, or the vehicle is located or no longer wanted, the issuing officer must respond to the Identification Section and cancel the DPD 252/110 in order that the information may be cleared from the computers.
 - c. When a wanted item is placed in the Property Management Bureau or located in a pawnshop, personnel in the Records Bureau will notify the assigned detectives. The detective initiating the pickup on property items is responsible for canceling it when the items are recovered or no longer wanted.
 - d. Upon identifying a person arrested as being the subject of a wanted notice, the arresting officer will cancel the pickup and the Identification Section personnel will make notification to the issuing officer.
 - e. The person completing the cancellation will write his/her name, serial number and agency requesting the cancellation on the line designated "Canceled By".
- (8) The Identification Bureau will maintain a purge of the Central Want and Warrant File. Old or outdated pickups will be returned to the issuing officer for updating. A stamp marked "Cancel or Still Wanted" will be used for this purpose. The issuing officer will return the pickup to the Identification Section after indicating that the pickup is to be canceled or retained.
- (9) It is the responsibility of the Identification Bureau to notify the appropriate investigative bureau when a suspect listed on a warrant is cancelled or the suspect is arrested. This will be done by forwarding a copy of the DPD 252/110 cancellation form to the issuing detective's investigative assignment.

104.19 DELETED

104.20 Use of DPD 366, Statement

- (1) When investigation arrests and other arrests are made that could result in a case being filed in court, the arresting officer shall complete a Statement, DPD 366.
- (2) All remarks or responses to interrogation made by the suspect shall be recorded in complete detail.
- (3) Remarks to individual officers shall be the subject of separate reports.
- (4) Besides the above information, the arresting officer shall detail all phases of the arrest that could be related as evidence during a trial.
- (5) The Statement form shall be completed accurately and typed or printed legibly.

104.21 Use of DPD 368, List of Witnesses

When investigation arrests and other arrests are made that could result in a case being filed, the arresting officers, or the detective filing the case, shall complete List of Witnesses, DPD 368.

104.22 Use of the Advisement, DPD 369

- (1) When investigation arrests or any other arrests are made, the arresting officer shall advise the arrested persons of their rights as stated on the Advisement, DPD 369, and shall, in their own handwriting, complete the Advisement, DPD 369. Whenever arrests are made and any amount of interrogation is conducted, the Advisement, DPD 369, shall be used.
- (2) The advisement of rights must be made prior to any questioning of the arrested person.
- (3) If the arrested person refuses to sign, the arresting officer shall write the word "refused" in the signature of suspect space.
- (4) It is desirable, but not absolutely essential that the advisement be witnessed.
- (5) The completed form shall be immediately supplied to the responsible investigative unit.
- (6) When a Spanish-speaking suspect has been taken into custody and the suspect does not either speak or understand English, the advisement and questions shall be read verbatim in Spanish. The Spanish version should be read by an officer who is fluent in Spanish.

104.23 General Session Order-Ins to Court

- (1) When an arrest is made for a City Ordinance violation other than traffic and the situation does not merit jailing the violator, the officer may order the violator directly into court to answer to the charges. This will be done by completing the General Session Summons and Complaint and checking the box labeled "Order In" along with the appropriate charges. See OMS 104.03 for complete instructions for preparing the General Session Summons and Complaint.
- (2) All the facts necessary to prove the charges in court must be included on the back of the City Attorney and Police Department copies of the General Session Summons and Complaint. Often, defendants plead guilty to the charges at the arraignment and the Court uses the officer's notes to impose the appropriate sentencing.
- (3) The officer must positively identify the person arrested and include the complete residence and business addresses.
- (4) After serving the defendant's copy, all remaining copies of the General Session Summons and Complaint will be forwarded to the Records Section via inter-departmental mail.

104.24 Order-In to Investigative Units

- (1) DPD 75, Request to Appear, is used for all order-ins to investigative units.
- (2) The order-in will specify the location and time of the order-in and the nature and location of the offense.
- (3) Order-ins shall be made for 9:30 a.m. the next working day unless otherwise specified by the assigned detective.

- (4) After the form is signed, one (1) copy of the Request to Appear will be served to the person ordered-in. The remaining copies and additional details of the offense are to be forwarded to the bureau or unit concerned with the offense.
The paperwork must reach the proper investigative unit prior to the appearance of the person ordered in.
- (5) Juvenile Order-Ins - See OMS 402.02 and 407.01

104.25 Using the Criminal Summons and Complaint for Misdemeanor Arrests

- (1) The Criminal Summons and Complaint, also known as the State Form or the CS&C, may be used by officers to initiate a criminal proceeding in which the defendant is charged with a misdemeanor violation of the Colorado Revised Statutes (C.R.S.). The CS&C is not used to cite City Ordinance violations or to initiate any felony proceedings.
- (2) The defendant may be ordered to appear in court to answer the charges.
 - a. Officers shall complete the reverse side of the CS&C marked "District Attorney's Copy" outlining the details of the arrest. Officers shall ensure that they obtain the defendant's right index fingerprint, which is to be affixed in the designated box in the upper right corner of the front page of the CS&C.
 - b. When the defendant is ordered in, officers shall serve the Defendant's Copy of the CS&C.
 - c. All remaining copies of the CS&C will be placed in an envelope addressed to Room 111, City and County Building. This envelope is to be put into the District Station or Bureau ticket box before the officer goes off duty that shift.
- (3) The defendant may be jailed on the charges detailed in the CS&C.
 - a. When the defendant is jailed, the officer shall serve the Defendant's copy of the CS&C. All remaining copies of the CS&C shall be given to the Deputy Sheriff at the time the prisoner is placed on the elevator at the Detention Facility.
 - b. If the defendant was arrested without a warrant a Statement of Probable Cause, cont., DPD 287A must be completed and attached to the CS&C when given to the Deputy Sheriff at the Detention Facility.
- (4) Officers shall make sure all copies are legible.

104.26 Arrest of Postal Employees or Persons Operating Trains or Transit Buses

- (1) Officers shall not take into custody for a minor violation, a postal employee engaged in the collection or distribution of mail, or a person operating a train or transit bus. Instead, the offender shall be summoned to appear in County Court or ordered to report to a commanding officer for further investigation of the case.
- (2) Persons operating a train, transit bus, or postal vehicle when suspected or accused of a felony or serious misdemeanor, may be taken into custody, but the arresting officer shall accompany the prisoner to the depot, car barn, or post office in order that the prisoner may be relieved from duty before being incarcerated. When the physical or mental condition of the accused renders this procedure impractical, the prisoner shall be taken into custody as soon as a police guard can be provided for the vehicle they were operating. See OMS 204.10(2) and 205.01.

104.27 Arrest for Taxi Violations

Persons shall not be jailed for failure to pay a cab fare, D.R.M.C. 55-24(b), when that is the only charge against them. Instead, a General Session Summons and Complaint Order-In shall be issued and signed by both the officer and the cab driver. Where other violations are involved, the person may be jailed if deemed necessary.

104.28 Arrests and Procedure on Federal Property and Relations with other Agencies

- (1) Members of the Denver Police Department do not have any legal authority to investigate or prosecute crimes on or in any dedicated federal property. In Denver this includes:
 - a. United States Mint
 - b. New Customs House
 - c. Byron White Court House (18th & Stout)
 - d. Fort Logan National Cemetery

- e. The Veteran's Administration Hospital at 1055 Clermont Street upon request of officials in charge of these buildings, we will assist in any manner possible
- (2) Members of the department do have legal authority to enforce state laws and municipal ordinances on non-dedicated federal property, which includes the new Federal Building (19th-20th, Champa to Stout), Federal Reserve Bank, Post Office Terminal Annex, and the additions to the U.S. Mint, and the Veteran's Affairs Administration located at 820 Clermont Street. Enforcement will be upon request and signed complaint of the federal employee in charge.
- (3) Denver Police have full policing authority for the Veterans Administration properties at 820 Clermont Street.
 - a. In the event the Denver Police Department has warrants to be executed on a VA controlled premise, the Denver Police Department will notify the VA Police prior to or upon entering Veterans Administration Hospital property if circumstances permit.
 - b. In the event it is necessary to search for missing patients who by virtue of their physical or mental condition are dangerous to themselves or others, the Denver Police Department will assist the VA in attempting to locate and return the at-risk patient.
- (4) The federal property in the three-block complex, 18th to 20th, Stout to Champa Streets, and 19th to 20th, California to Stout Streets, starts 16 feet from the curb line in all blocks, except 19th to 20th on Champa Street where the federal property begins 15 feet from the curb line on Champa Street.
- (5) The Denver Military Police have been assigned by the Department of Defense, the responsibility for armed forces police services in Denver. The purpose for this area responsibility assignment is so that we will have only one, rather than five military type police agencies to contact for support and assistance when dealing with all military offenders.
- (6) When the Denver Police Department arrests or apprehends any member of the active armed forces for a felony, AWOL, or any other serious charge, the military police are required to render a military report of the investigation of the incident to the appropriate service commander of the offender and return them to military control when released by our jurisdiction.
 - a. When personnel of the Major Crimes, Investigative Support or Special Operations Divisions arrest or apprehend any active member of the Armed Forces for a serious offense, it shall be mandatory that the Denver Military Police Station be notified as soon as possible.
- (7) Cooperation - Other Public Agencies - Officers shall cooperate with all law enforcement agencies, other city departments, and public service organizations, and shall give aid and information to such organization, consistent with departmental orders.

104.29 Arrests for Weapons Related Charges

- (1) When a person is arrested for carrying a KNIFE as a concealed weapon, which is defined in D.R.M.C. 38-117(a), or for carrying a KNIFE which is prohibited in D.R.M.C. 38-119:
 - a. Charge the person directly with the violation of the appropriate Denver Revised Municipal Code (D.R.M.C) violation and then jail, or order the subject into court. Evidence should be handled according to the procedures in OMS 106.03
- (2) When an adult or juvenile is arrested for carrying a FIREARM or for carrying a DANGEROUS WEAPON or ILLEGAL WEAPON as defined in C.R.S. §18-12-102, and has been convicted of a felony and no other offense will be charged, the officer will notify the Gang Bureau. In the absence of a Gang Bureau officer or detective, the on-call Gang Bureau detective may be contacted for the purpose of determining charges to be placed. See OMS 104.01(24) and 109.02(2).
 - a. The person's record will be checked to determine if the criteria are met for violation of C.R.S. §18-12-108, Possession of Weapons by Previous Offenders. If the person is in violation of the State and/or Federal Statute, the officer will:
 - 1. Make a General Occurrence (GO) report, titled "Possession of a Weapon by a Previous Offender" and jail for investigation of the same.
 - 2. Route all reports to the Gang Bureau with a "Notify" to the Robbery Unit.
 - 3. The Gang Bureau supervisor will determine if federal charges apply and if so, will then forward the case to the Bureau of Alcohol, Tobacco, Firearms and Explosives for review.
 - 4. If determined that a federal weapons violation has not occurred and no other federal or state charges apply, the Gang Bureau supervisor will ensure that appropriate city charges be placed against the defendant.

- b. If the elements fit the criteria for violation of Possession of Weapons by Previous Offender, C.R.S. §18-12-108, Possessing a Dangerous or Illegal Weapon, C.R.S. § 18-12-102 or Possession of a Defaced Firearm, C.R.S. § 18-12-103 and other charges exist, to include but not limited to; homicide, aggravated robbery, aggravated assault, sexual assault, Possession of a Controlled Substance, burglary and auto theft, the officer will:
 1. Contact the on duty or on-call supervisor of the appropriate investigative unit.
 2. The affected investigative unit supervisor will ensure that the appropriate weapons charge is filed in conjunction with the primary offense. A copy of the case should be forwarded to the Gang Bureau for consultation with a U.S. Attorney's Office representative for the determination of any applicable federal charges.
 3. Cases that will be filed by the affected investigative unit will follow standard investigative protocol outlined in OMS 302.00.
- (3) When an adult is arrested for Possessing a Dangerous or Illegal Weapon as outlined in CRS § 18-12-102, the officer will:
 - a. Make a General Occurrence (GO) Report, titled in Versadex as WEAPON – POSS ILLEGAL/DANGEROUS if the weapon involved is classified as a "**dangerous weapon**". CRS § 18-12-102(1), defines "dangerous weapon" to be a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.
 1. Route all reports to the Gang Bureau.
 - b. Make a General Occurrence (GO) Report, titled in Versadex as WEAPON – POSS ILLEGAL/DANGEROUS if the weapon involved is classified as an "**illegal weapon**". CRS § 18-12-102(2), defines "illegal weapon" to be a blackjack, gas gun, or metallic knuckles.
 1. Route all reports to the respective District Investigative Unit.
- (4) If an individual is arrested for Unlawfully Carrying a Concealed Weapon as defined by C.R.S. §18-12-105 and has no previous felony convictions, domestic violence restraining orders, or state domestic violence convictions, then the officer shall jail the suspect and complete a CS&C, probable cause statement and written statement. The probable cause statement and written statement should be attached to the District Attorney's copy. These reports will be given to the sheriff with the CS&C.
- (5) If the person arrested is a juvenile and the juvenile is in possession of a "firearm" or "dangerous weapon" as defined by C.R.S. § 18-12-108.5 and C.R.S. § 18-12-102(1) respectively, and no other offenses are present, the officer will:
 - a. Notify a Gang Bureau supervisor or in their absence, the on-duty or on-call Gang Bureau detective.
 - b. The weapon possessed by the juvenile must fit the below criteria
 1. Firearm as defined by C.R.S. §18-1-901(3)(h), means any handgun, automatic, revolver, pistol, rifle, shotgun or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.
 2. Handgun as defined by C.R.S. §18-12-101(1)(e.5), means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.
 3. Dangerous Weapon as defined by C.R.S. § 18-12-102(1), means a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.
 - c. Weapons that do not fit this criterion, however, fit the definition of a deadly weapon as defined by C.R.S. §18-1-901(3) (e) may be charged in connection with offenses requiring a deadly weapon. These offenses include but are not limited to; possession of a weapon on school grounds.
 1. If the case involves a firearm, contact a Gang Bureau supervisor, or in their absence, the on-call Gang Bureau detective for the purpose of determining the offense to be charged.
 - d. If a juvenile is arrested for possession of an Illegal Weapon, or other state charges and the weapon violation is an additional charge, the case will be handled by the appropriate Investigative Division, Bureau or Unit.
 - e. A General Occurrence (GO) report, will not be completed where the only charge is possession of any weapon defined as a deadly weapon, e.g. B-B gun, which does not fit the definition of a handgun or firearm set forth in C.R.S. §18-12-101(1)(e.5) or C.R.S. §18-1-901(3)(h).

- f. If state charges do not exist, the juvenile may be cited for Denver Revised Municipal Code (D.R.M.C) violations.
- (6) When a firearm is placed into the Property Management Bureau, the Commander of the Property Management Bureau will ensure that a copy of the invoice is given to Bureau of Alcohol, Tobacco, Firearms and Explosives so that a gun trace can be conducted. No firearm will be released through the Property Management Bureau until a gun trace is completed and criminal background check run on the person requesting the firearm to ensure they are not prohibited by state or federal law to possess a firearm.

104.30 PROCESSING PERSONS WITH A SUSPECTED MENTAL/BEHAVIORAL HEALTH CONCERN

- (1) DEFINITIONS:

CRS §27-65-102:

(9) *"Gravely disabled" means a condition in which a person, as a result of a mental health disorder, is incapable of making informed decisions about or providing for his or her essential needs without significant supervision and assistance from other people. As a result of being incapable of making these informed decisions, a person who is gravely disabled is at risk of substantial bodily harm, dangerous worsening of any concomitant serious physical illness, significant psychiatric deterioration, or mismanagement of his or her essential needs that could result in substantial bodily harm. A person of any age may be "gravely disabled", but such term does not include a person whose decision-making capabilities are limited solely by his or her developmental disability.*

(14) *"Person with a mental illness" means a person with one or more substantial disorders of the cognitive, volitional, or emotional processes that grossly impairs judgment or capacity to recognize reality or to control behavior. Developmental disability is insufficient to either justify or exclude a finding of mental illness within the provisions of this article.*

(17) *"Professional person" means a person licensed to practice medicine in this state, a psychologist certified to practice in this state, or a person licensed and in good standing to practice medicine in another state or a psychologist certified to practice and in good standing in another state who is providing medical or clinical services at a treatment facility in this state that is operated by the armed forces of the United States, the United States public health service, or the United States department of veterans affairs.*

(19) *"Respondent" means either a person alleged in a petition filed pursuant to this article to have a mental illness or be gravely disabled or a person certified pursuant to the provisions of this article.*

CRS §27-65-105 Emergency Procedure:

(a) (I) *When any person appears to have a mental illness and, as a result of such mental illness, appears to be an imminent danger to others or to himself or herself or appears to be gravely disabled, then a person specified in subparagraph (II) of this paragraph (a), each of whom is referred to in this section as the "intervening professional", upon probable cause and with such assistance as may be required, may take the person into custody, or cause the person to be taken into custody, and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation.*

- (2) PROCESSING PERSONS WITH SUSPECTED MENTAL/BEHAVIORAL HEALTH CONCERN:

a. Officer initiated action – No criminal charges or warrants for respondent:

1. Individuals taken into protective custody will be handcuffed, searched, seat-belted, and transported following all department policy and procedures required for an arrestee.
 - Individuals not meeting the criteria of having suicidal ideation, homicidal ideation, or meeting grave disability but still in acute mental health crisis can be transported to the Denver Walk-In-Crisis Center. Officers can drop individuals off with trained mental health staff and security to further evaluate for safety and determine over the course of 24 hours if the client is stable enough to go back in the community or needing to be placed on an M1 and transported to the hospital. It is requested that police explain the situation to staff of the walk-in crisis center prior to leaving property
 - The respondent will be transported to Denver Health Medical Center (or other authorized facility when DHMC is on divert status) by the officer(s) effecting custody for further assessment and/or treatment (absent any medical concerns or any impairment due to drugs and/or alcohol.) NOTE: If there is a medical concern

or an impairment due to drugs and/or alcohol, an ambulance will be requested to assist in the transport.

2. Emergency Mental Illness Report and Application (M-1):

This form is completed whenever a person is taken into custody for a suspected mental/behavioral health concern. NOTE: A Record of Sick and Injured Persons Report (DPD 150) will also be completed, using the definitions of this policy, and will be distributed per the form instructions.

Distribution of the M-1 is as follows:

- Original: Hospital Staff
- 1st copy: Respondent
- 2nd copy: Scanned into the GO report

3. Officers will complete a General Occurrence (GO) report detailing the circumstances of the contact, which will include the perceived mental/behavioral health concerns that need further review and/or screening.

- a. The GO report will be titled to reflect the appropriate incident type (i.e., suicide, letter to detective, welfare check, etc.)
- b. Officers will conduct a thorough investigation of the respondent's environment and will include any information provided by witness(s), family members, professionals, and/or service providers. Officers will also note the respondent's appearance, presentation, and/or any statements made.
- c. Investigative supervisors are responsible for reviewing, properly closing, or routing the report to the appropriate unit. Additionally, investigative supervisors will notify Crisis Services via email (co-responders@MHCD.org) with the case number of each GO report related to suspected mental/behavioral health concerns.

b. Officer initiated action – criminal charges or warrants for respondent:

1. When an arrestee is known, or suspected of being suicidal, homicidal, or to have significant mental/behavioral health concerns, the arresting officer will complete all required arrest reports and the Arrestee Mental Health Status/Suicidal/Homicidal Tendency Report (DPD 707). The report will include:
 - a. The signature of the arresting officer.
 - b. The name and badge number of the receiving Denver sheriff deputy, including the date and time of custodial transfer.
2. The form will be distributed as follows:
 - White copy: Denver Sheriff Department
 - Pink copy: Will accompany the arrestee's charging documents for inclusion in the court file
3. Arrestees with suspected or known mental/behavioral health concerns will be transported directly to the Detention Center via the arresting officer. The arrestee will not be transported via the Denver Sheriff Department scout van or placed into a district station temporary holding cell.

c. Officer(s) receiving a call to assist a professional person:

1. Officers will assist any professional person requesting aid in effecting custody of a respondent, if the professional person presents the officer with positive identification, including identification bearing the person's professional license number. The officer must be satisfied with the authenticity of this identification.
2. At least two officers will be dispatched to a call of this nature.
3. The professional person will meet the officers at or near the respondent's location and provide an Emergency Mental Illness Report and Application (M-1). The professional person should brief the responding officers of the situation, but if they fail to do so, officers will ask to be briefed. The discussion should include identifying any potential triggers or information needed to avoid escalating the situation.
4. Officers will check to see that the report includes the professional person's signature, professional license number, location, and a phone number where the professional person can be reached in an emergency. Officers will also require that the report contain a notation (printed on the form or handwritten) stating that the officers are assisting only, not making the evaluation.

5. Officers will take those reasonable measures necessary to take the respondent into protective custody; however, if a forced entry into a dwelling is required (and if time permits) a supervisor will be consulted.
6. The professional person will be required to make positive identification of the respondent.
7. Officers will take those measures necessary to protect themselves, the professional person, and the respondent. This will include a weapon search as well as the application of physical restraints when needed.
8. Transporting the respondent
 - a. The professional person is responsible for arranging transportation for the respondent. If the professional person transports the respondent him/herself, officers may follow them to the treatment facility.
 - b. The respondent will not be transported in a police vehicle unless there are city/state charges, warrants or other police holds. If the respondent is transported in a police vehicle, he/she will be handcuffed and secured with the safety belt.
 - c. An officer may accompany the respondent if he/she is transported by ambulance.
 - d. Officers will not respond to a mental health facility for the sole purpose of transporting a respondent to a treatment facility. The professional person must make his/her own arrangements for transportation.
 - e. A Record of Sick and Injured Persons Report (DPD 150) will be completed.
9. Officers will complete a General Occurrence (GO) report detailing the circumstances of the contact, which will include the perceived mental/behavioral health concerns that need further review and/or screening.
 - a. The GO report will be titled to reflect the appropriate incident type (i.e., suicide, letter to detective, welfare check, etc.)
 - b. Officers will conduct a thorough investigation of the respondent's environment and will include any information provided by witness(s), family members, professional persons, and/or service providers. Officers will also note the respondent's appearance, presentation, and/or any statements made.
- d. Denver Sheriff Department deputies assigned to Denver Health Medical Center:
 1. The deputy on-duty in the emergency room is designated a special police officer with the power of arrest and is under the primary control of the Chief of Police.
 2. The deputy will supervise the respondent/arrestee until hospital admittance is completed.

104.31 SEX OFFENDER CONTACTS AND PROCESSING

- (1) PURPOSE AND SCOPE:
 The Sex Offender Registration Unit maintains and assists convicted sex offenders with registration compliance, educating the public about personal safety precautions, and training designated law enforcement on registration, notification, verification, and community education procedures. The unit conducts all investigations of noncompliant sex offenders, including locating noncompliant and absconded sex offenders and issuing warrants for failure to register of noncompliant offenders.
 CRS §16-22-110 establishes the Colorado Sex Offender Registry. Accuracy of the registry depends on the tracking and reporting operations of Law Enforcement Agencies throughout the state. This section provides guidelines for the expedient reporting of contacts made with sex offenders. Prompt reporting will ensure appropriate actions are initiated in accordance with statute.
- (2) CONTACT WITH CONFIRMED OR SUSPECTED SEX OFFENDERS:
 - a. Prompt reporting by officers will ensure appropriate actions are initiated in accordance with CRS §16-22-110.
 - b. Officers conducting a NCIC/CCIC clearance will receive notification through the CCIC Sex Offender Registry Information of the offender's registration status.
 - c. Officers in contact with a sex offender will complete a street check containing the reason for the contact, and notes that confirm whether the offender's current information (i.e., address, employment, vehicle, phone numbers, etc.) matches the sex offender hit, and what jurisdiction the offender is registered with.

1. If there are any differences in the information the offender provides, such as a change in address, officers will generate a Letter to Detective for "Failure to register as a sex offender" in place of the street check. The officer will issue the offender a Request to Appear for the following business day at 0900 hours to the Sex Offender Registration Unit, Police Administration Building, 1331 Cherokee Street.
 2. If there are no differences, officers will complete a street check and route it to the Sex Offender Registration Unit.
 3. Vehicle information is extremely important to the tracking of sex offenders and officers should inquire about vehicles even when the subject is on foot. This information should be included in the street check.
 4. If an officer contacts a sex offender whose physical appearance is significantly different from his/her RMS (mugshot) photo (i.e., change in hair, facial hair, tattoo, piercings, etc.), officers will document this in a letter to detectives and route it to the Sex Offender Registration Unit. The officer will issue the offender with a Request to Appear for the following business day at 0900 hours to the Sex Offender Registration Unit, Police Administration Building, 1331 Cherokee Street, where an updated photograph will be taken of the offender.
 5. Arrests for registration violations will only occur when an active warrant exists or when directed by the Sex Offender Registration Unit.
- d. During any investigation or contact with an individual whose criminal history reveals an arrest for a crime that was sexual in nature, the officer will clear the individual through CCIC to determine if he/she is listed as a sex offender.
1. If the individual is not listed in the CCIC Sex Offender Registry, but the officer reasonably believes the person should be registered as a sex offender, the officer will document it in the street check and route it to the Sex Offender Registration Unit.

(3) **SEX OFFENDER REGISTRATION UNIT:**

- a. **Required Reporting**
In the State of Colorado, upon conviction, the court of jurisdiction will normally enter sex offender information into the NCIC system. Upon registration with the City and County of Denver, the Sex Offender Registration Unit gathers required information from the offender and reports to the Colorado Bureau of Investigation (CBI). CBI ensures that all CCIC/NCIC data is updated accordingly.
 1. The Sex Offender Registration Unit works with all divisions, with emphasis on the Sex Crimes and the Missing and Exploited Persons Unit, in identifying sex offenders who may be suspects in other cases being investigated.
- b. **Follow-up Investigations**
 1. The Sex Offender Registration sergeant is responsible for case management of all General Occurrence(s) or Letter(s) to Detectives related to sex offender registration violations.
- c. The Sex Offender Registration Unit is open Monday through Friday, 0800-1600 hours. After hours, a supervisor or on-call detective is available through Denver 911, 24 hours a day.

(4) **ADDRESS VERIFICATION OF REGISTERED SEX OFFENDERS:**

- a. The Sex Offender Registration Unit is responsible for:
 1. Maintaining the schedule for address verifications of all sex offenders registered with the City and County of Denver.
 2. Completion of the majority of monthly house checks citywide; however, the unit relies on district officers to assist in completing the overflow in their respective district.
 3. Distribution of house checks to each district commander (or designee) for follow up and timely completion of the verification.
- b. Officers completing address verifications are required to complete, date, and sign the verification form. Officers are not required to complete additional street checks.

104.32 CIVIL STANDBY FOR THE RECOVERY OF PERSONAL PROPERTY

- (1) **ON PUBLIC AND PRIVATE PROPERTY:**

a. Legal Authority

The recovery of a citizen's personal property in the possession of another is a civil matter between the two parties. The only legal authority of the police department is to prevent a breach of the peace unless criminal activity is present.

b. Preliminary Procedures

When a citizen requests officers to assist in recovering personal property, officers will clear the party to determine if they are subject to a protection order that prohibits them from being at the location or in contact with the person in possession of the property.

1. If a protection order is in effect, officers will check CCIC for notes that list the terms of when undisputed personal property may be obtained. The CCIC information will include specific date(s) and times allowing one civil standby.
 - If the protection order does not contain this information, officers will not conduct the civil standby and the citizen will be advised that he/she may request that the issuing court modify the order with language to allow for a civil standby.
 - Regardless of the jurisdiction that issued the protection order, officers will not conduct a civil standby unless the order specifically allows it.
2. If a protection order is in effect, officers will check the premise history for the address and ensure that the single (one) allowed civil standby has not already been carried out. The citizen will be advised to contact the issuing court if an additional standby is desired.
3. Officers can call the Denver County Court Warrant Line at 720-337-0464 (seven days a week from 0430-0030 hours) with questions regarding protection orders issued by Denver courts for language and validity.
4. If the civil standby is allowed per the court or if there is no protection order in effect, officers should escort the citizen to the location and stand-by while the citizen makes his/her request. If the person in possession of the property refuses to release it, officers should escort the complainant away from the location and advise the person that he/she may initiate further civil action at their discretion.

c. Documentation

If the person in possession of the property agrees to its release, the officers should stand by for a reasonable time while a reasonable amount of property is removed. Officers must remain neutral in these situations and are not to actively participate in the recovery. With all requests for a civil standby, officers will make the appropriate call notes and complete a street check.

1. Civil standby completed:

- Call notes
Include the OCA number of the protection order (if applicable), any address involved, and the names of any persons present during the civil standby.
- Street check
Identify the person requesting the civil standby. The text portion will document the OCA number of the protection order (if applicable), all actions taken, all addresses checked, the names of any persons present at any address checked, and any other relevant information related to the civil standby.

2. Civil standby not completed:

- Call notes
Include the OCA number of the protection order (if applicable), the reason a civil standby was not completed, and the action taken by the officer (e.g., party advised that he/she may return to court to request modification of protection order, etc.).
- Street check
Identify the person requesting the civil standby. The street check will document that the civil standby was requested but not completed. The text portion will be used to document the OCA number of the protection order (if applicable), the reason the civil standby was not completed and all actions taken by the officer.

- d. Property will not be removed without the presence and permission of the person having authority and control over the location where the items are stored.

(2) LANDLORD/TENANT DISPUTES:

In cases of landlord/tenant disputes where there is sufficient evidence to believe a criminal offense has taken place.

- a. Title the report accurately (i.e., theft, criminal mischief, assault, etc.). There is no such offense as "landlord/tenant".
- b. If the offense is a crime against the property, the owner of the building is the victim.
- c. When a theft is involved, include information about any rental contract and the existence of a signed inventory of the premises in the body of the report. If there was an eviction, include information concerning when and by whom it was made.
- d. Criminal mischief reports require a list of the estimated damages and the name of the qualified person who made the estimate.
- e. The reporting officer should also note the existence of any "damage deposit" or any other kind of deposit which could be considered a damage deposit.

104.33 Misdemeanor Criminal Mischief and Graffiti Related Arrests

- (1) For misdemeanor criminal mischief arrests where the damage is less than \$1,000.00 the following shall apply:
 - a. Charge an adult suspect directly with the appropriate Denver Revised Municipal Code violation (38-61 for Damaging, Defacing or Destruction of Public Property or 38-71 for Damaging, Defacing or Destruction of Private Property).
 - b. If the adult suspect does not possess valid identification or his/her identity cannot be verified, jailing of that individual on a General Sessions Summons and Complaint, DPD Form 287 is appropriate.
 - c. Juveniles identified as suspects for a graffiti-based criminal mischief offense require the completion of a General Occurrence Report in accordance to OMS 402.07 (3) c. 8, regardless of the estimated damage value. The determination to jail or issue the juvenile a Request to appear shall be made in conjunction with the Graffiti Unit investigators and taking into consideration factors such as, but not limited to, the estimated damage amount, suspect's prior graffiti involvement and documented gang or tagging crew affiliation. Graffiti Unit personnel are available for consultation during normal business hours or can be reached after hours through request made to the dispatcher.
- (2) Possession of Graffiti Related Materials:
 - a. Types of graffiti related material include, but are not limited to broad tipped marker pens, glass etching tools and can of spray paint.
 - b. Juveniles contacted and found to be in possession of graffiti related material shall be issued a Juvenile Summons & Complaint/Warrant, DPD Form 386, with the charge of Possession of Graffiti Materials by Minors Prohibited, D.R.M.C. 34-66. A copy of the Juvenile Summons shall be furnished to the Graffiti Unit.
 - c. Adults contacted and found to be in possession of graffiti related material shall be issued a General Summons and Complaint, DPD Form 287, with the charge of Possession of Graffiti Materials Prohibited, D.R.M.C. 38-102. A copy of the summons shall be furnished to the Graffiti Unit.
- (3) All graffiti related cases, excluding adults directly charged with the appropriate Denver Revised Municipal Code violation of Damaging, Defacing or Destruction of Public or Private Property, require a General Occurrence (GO) Report be completed, whether or not a suspect is arrested. The report shall be titled Criminal Mischief (Graffiti).
 - a. All victims reporting graffiti shall be provided with graffiti removal resources offered through Denver 311.
- (4) When a suspect is arrested for a graffiti or tagging related offense and the established damage is over \$1,000, they shall be charged with Criminal Mischief, C.R.S. §18-4-501, which is a Class 4 Felony. The other state charge that can be applicable is Defacing Property, C.R.S. §18-4-509, which is a Class 2 Misdemeanor.
- (5) The following is required for both felony and misdemeanor charges:
 - a. General Occurrence (GO) report
 - b. Felony / Misdemeanor P.A.
 - c. Probable Cause Statement
 - d. All witness statements including the Officer Statement
 - e. Photograph suspect to document clothing and condition of their hands
 - f. Photographs of defaced property

- g. Collect and photograph all the recovered evidence, to include the recovery of the suspect's clothing that may have paint/marker present
- h. A General Sessions Summons and Complaint or a Juvenile Summons and Complaint may be used to charge an individual with Possession of Graffiti Material.

104.34 Evictions

- (1) Denver Sheriff Deputies or other court officers who are charged with executing evictions shall do so in accordance to C.R.S. §18-4-509, Writ of Restitution after Judgment and their internal department policies.
- (2) Denver Police Department has no original responsibility in eviction cases since such cases are civil matters; however, the function of an officer dispatched to a location of eviction is to prevent a breach of the peace or to take action on other criminal activity.
- (3) In the event officers are called to assist at the scene of an eviction, being executed by a court officer, the following procedure shall be in order:
 - a. Evictions will be processed during daylight hours only
 - b. Information regarding household goods placed on public property and evicted families without housing facilities shall be relayed by the responding police officers to their district commanding or supervisory officer
 - c. Household goods on public property:
 - 1. The supervisory officer shall advise the district car to give additional observation to the household goods.
 - 2. After seventy-two (72) hours, if there is a complaint about the household goods left on public property, Neighborhood Inspection Services shall be notified.
 - d. Evicted families without housing facilities:
 - 1. When small children are members of the evicted family and are in need of shelter, the court officer shall coordinate placement with Denver Human Services.

104.35 Enforcement of Protection Orders (Revised 10/2014)

- (1) Issuance and enforcement of protection orders is of paramount importance because protection orders promote safety, reduce violence, and prevent serious harm or death. Therefore a police officer shall use every reasonable means to enforce a protection order. It is important to remember if a violation of a protection order meets the definition of domestic violence, the defendant must be arrested and all appropriate paperwork must be filed. See OMS 104.50.
 - a. There are three (3) types of protection orders that can be issued by the courts:
 - 1. **Civil** (C.R.S. §14-10-108 and C.R.S. §13-14-104.5)
 - 2. **Criminal** (C.R.S. §18-1-1001)
 - 3. **Emergency order** (C.R.S. §13-14-103)
 - b. When to file a violation of a protection order at a Municipal level:
 - 1. If the protection order was issued out of a civil case (it will have a letter designation of either "W", "C" or "DR") and no other elements of the crime rise to the level of a state charge the case should be filed with the City Attorney's Office. **Note:** Remember a police officer may only enforce the provision regarding prohibited contact, threatening, beating, striking, or assaulting the victim; or loitering, entering or remaining on/near the premise.
 - 2. If the protection order was issued out of a municipal case and no other elements of the crime rise to the level of state charge the case should be filed with the City Attorneys Office. Please note all city criminal cases will have a GS, GD or GC in the original criminal case number.
 - c. When to file a violation of a protection order at the State level:
 - 1. If the protection order was issued out of a state criminal case, the violation of protection order should be filed with the District Attorney's Office. **Note:** All state criminal cases will have a letter designation of either "M" (Misdemeanor), "F" (Felony) or CR (District Court) from the original case number.
 - 2. If any other elements of the crime rise to the level of a state charge, regardless of where the protection order was issued, state charges should be filed. This would include cases involving serious bodily injury (SBI), multiple violations of protection orders, or stalking.
 - 3. All domestic violence crimes committed by a juvenile defendant shall be filed with the District

Attorney.

4. Complete a General Occurrence Report to document these outlined protection order violations.

(2) Foreign protection orders - C.R.S. §13-14-110

- a. Definition: Any protection or restraining order, injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary or final orders, other than child support or custody orders, issued by a civil or criminal court of another state, an Indian tribe, or a U.S. territory or commonwealth.
- b. Enforcement:
 1. Officers "shall presume the validity of, and enforce" foreign protection orders provided to the officer
 2. the protected party does not have a copy of the Foreign Protection Order on his/her person, the officer should determine if the Foreign Protection Order exists on the Central Registry on NCIC, and if so, "shall enforce the order."
 3. If the Foreign Protection Order cannot be confirmed, the officer "may rely upon the statement of any person protected by a Foreign Protection Order that it remains in effect. A Peace Officer who is acting in good faith when enforcing a Foreign Protection Order shall not be civilly or criminally liable pursuant to section 18-6-803.5 (5), C.R.S."

(3) If the order involved is a Domestic Violence Abuse Protection Order or Elder Abuse Protection Order issued under C.R.S. §13-14-104.5 and the respondent has not been personally served with a protection order, an officer responding to a call for assistance shall serve a copy of the protection order on the respondent named in the protection order, shall write the time, date, manner of service on the protected person's copy of the order and shall sign the statement. C.R.S. §13-14-107(3)

- a. If a temporary protection order was properly served on the defendant and the court makes the temporary protection order into a permanent protection order without making any changes to the protection order, service of the permanent protection order on the defendant is not required and the officer may enforce the permanent protection order. However, if the court modifies the protection order in any way, except in emergency situations, the modified protection order must be served on the defendant prior to enforcement. In some cases, the court seal may not show up on a copy of the restraining order due to the nature of the seal and the photocopy process. As long as the copy bears a judge's signature, the order should be considered valid and enforceable.

(4) If the protected party does not have a copy of the protection order on his/her person, the officer should check the CBI/NCIC registry, or attempt to contact the issuing courtroom. If the protection order cannot be confirmed, the officer shall complete a General Occurrence (GO) Report, with an offense code titled "Letter to Detectives" and routed to the Domestic Violence Investigations Unit for further investigation. The reporting party should be ordered-in to the Domestic Violence Unit for the following day at 0930 hours.

(5) If an officer encounters a situation where an arrest for violation of a restraining order cannot be made because any one or more of the mandatory requirements have not been met:

- a. The officer's supervisor must be called to the scene for verification or assistance.
- b. The officer shall note on his log sheet the name of the supervisor who covered the call and the specific requirement(s) not met.
- c. If there are additional questions, supervisors can contact the on-call Domestic Violence Investigations Unit supervisor through Denver 911.

(6) If the restrained party is a juvenile, upon arrest the juvenile shall be transported to Juvenile Intake for processing. All juvenile domestic violence cases shall be filed under state charge(s). A General Occurrence (GO) report shall be completed and routed to the Domestic Violence Investigations Unit for further investigation.

104.36 Auto Theft and Theft from Motor Vehicle Investigations

(1) Departmental Responsibilities

- a. Data concerning auto thefts are processed by personnel assigned to Records Bureau.
- b. The Records Bureau will verify reports of stolen cars, make all necessary NCIC/CCIC entries, keep records, notify owners of recovered vehicles and enter the data for stolen and recovered vehicles
- c. Detectives assigned to their respective District Investigative Unit are responsible for investigations relating to the theft of/from motor vehicles, with the exception of vehicle crimes at DIA.

Detectives assigned to DIA will handle these cases.

- d. The Vehicle Impound Facility of the Denver Sheriff's Department is responsible for custodial functions relating to the storage and release of impounded vehicles. However, all investigative matters and/or problems relating to stolen vehicles and the release of a stolen vehicle shall be handled by the assigned detective.

(2) Reporting Auto Thefts

- a. When making a stolen car report, an officer shall be dispatched to contact the complainant personally.
- b. At the time an officer is sent to make a stolen car report, the dispatcher shall air the following information.
 - 1. Year, make, model, color, license plate, and any distinguishing features
 - 2. Location, time, and date of steal
 - 3. Any suspect information or pertinent facts that might lead officers to the recovery of the vehicle and arrest of the suspects.
- c. In order to obtain the required information for a case filing, it is necessary to indicate on the report the year, make and model, exact license number and vehicle identification number, as shown on the registration certificate and/or title. Reports shall be complete and should include a description of any accessories, special equipment and valuable contents.
- d. Officers should question complainants carefully to eliminate family squabbles over possession, misparks, pranks, or other circumstances to ensure the validity of a criminal episode.
- e. The responding officer shall contact Records Bureau personnel immediately and provide all necessary data (i.e. license plate, VIN, year, make, model, etc.) for timely entry onto the NCIC/CCIC systems.
- f. After taking the report, the officer shall search the immediate neighborhood for the vehicle reported stolen.
- g. Officers shall not complete and file a General Occurrence (GO) report under the following circumstances, but instead advise their immediate supervisor and make note of the circumstances in their Daily Activity Log Sheet.
 - 1. When the investigation indicates the absence of the vehicle is the result of a family squabble over possession, a mispark, a prank, or that the vehicle is possibly in the possession of another member of the family or business associate.
 - 2. the mental condition or emotional stability of the complainant is such that their statements are questionable, (i.e. when it is suspected that the complainant may be intoxicated).
 - 3. Any other circumstances that lead the officer to believe that it is not a true case of auto theft.
- h. An auto stolen in the commission of another crime, such as burglary or robbery, shall be included as an additional offense during the criminal episode. When the reporting officer telephones the Records Bureau to supply the data of the stolen motor vehicle, they shall advise Records Bureau personnel that the stolen vehicle was taken as part of another criminal offense and request that a "Hold for Prints" be placed on the stolen vehicle (i.e., "taken in a burglary, hold for prints").
- i. Reports for "Record Only"
 - 1. A General Occurrence (GO) report, for Theft of Motor Vehicle will be in circumstances when the victim's vehicle was stolen and subsequently recovered by the owner or when a Denver officer or another police agency before an official report was made by the victim.
 - 2. The recovery and vehicle information will be supplied to the Records Bureau.

(3) Recovery of Stolen Vehicles

- a. When an officer locates a stolen vehicle, he/she shall advise the dispatcher of the exact location and condition of the wanted vehicle.
- b. The officer will then contact Records Bureau personnel who will attempt to contact the owner.
 - 1. If the owner cannot be contacted, the vehicle will be impounded. See OMS 206.04(3)e.
 - 2. If the owner is contacted, Auto Theft Records will advise the owner they can respond to the location in order to personally recover their vehicle. If the owner is unable to respond in a timely manner, typically thirty (30) minutes, the vehicle shall be impounded for safe-keeping.
- c. The Records Bureau personnel will advise the officer if the owner is enroute and the time of contact.

- d. If the owner of the vehicle, or his/her representative, has not arrived within 30 minutes, the officer may impound the vehicle. Before ordering a tow, the officer should consider the following:
 1. The distance the owner has to travel.
 2. The time of day, weather and road conditions.
 3. The calls for service pending in the officer's area or district.
 4. The presence of a large amount of personal property in the vehicle which must be taken to the Property Management Bureau and inventoried.
- e. Officers will complete an Impounded/Recovered Vehicle Report, DPD 224, on all stolen vehicles released to a vehicle's owner or representative, at the scene of recovery.
 1. When a stolen vehicle is recovered in any of the Denver International Airport parking lots, the officer will also sign a Receipt for Stolen Vehicle form, provided by the airport authorities, acknowledging the removal of a particular vehicle.
 - a. If the owner responds to pick up the vehicle, the officer will sign the receipt form and complete DPD 224.
 - b. The original of the receipt will be given to the parking lot attendant. The remaining three (3) copies will be turned in to the Airport Security Officer for proper distribution.
 2. In all cases, the completed Impounded/Recovered Vehicle Report, DPD 224, will be forwarded via inter-departmental mail to the Records Bureau for scanning into the case file.
- f. In situations when a previously reported stolen vehicle is recovered and parts or articles are identified by the owner as having been taken while the car was stolen, the responding officer will complete a Supplemental Add Report by means of the Mobile Report Entry (MRE). Officers shall not make a new "Theft From Motor Vehicle" or "Criminal Mischief" report. Instead, the same case number from the original motor vehicle theft report generated through the Computer Aided Dispatch system will be used.
- g. When a Denver steal, with occupants, is recovered by another agency, Records Bureau personnel will contact the other agency via teletype, verifying the steal.
- h. Recovery of "Outside" steals
 1. When an "outside" steal with occupants is recovered in Denver, the responding officer will complete the General Occurrence (GO) report:
 - a. The case number will be generated by the Computer Aided Dispatch system.
 - b. The location of the offense will be the location of recovery.
 2. When an abandoned "outside" steal is located, the vehicle will be impounded and the officer will complete a GO report titled "Unoccupied Outside Steal". Unless specifically requested by the originating jurisdiction, a hold will not be placed on the vehicle solely for the recovery.
 - a. If the owner is readily available, the vehicle may be released at the scene. The officer will enter their contact information in the GO report, as well as on the Impound/Recovered Vehicle Report (DPD 224).
 - b. The officer will notify auto theft records to remove the vehicle want from NCIC.
- i. Crime Lab personnel will respond to collect evidence in Motor Vehicle Theft and/or Theft from Motor Vehicle cases where it is probable that identifiable suspect evidence (i.e. latent print, DNA) can be recovered. See OMS 106.07(8)

(4) Repossession of Automobiles

- a. Of primary importance is that the repossession of a car is a civil matter and the only legal authority of the police is to prevent a breach of the peace or to take action against persons who have committed such a violation.
- b. In order to prevent a breach of the peace, if the person attempting to repossess has no court order, officers should advise such person to get a court order. If the reposessor has a court order, officers should advise the registered owner that it probably would be best to let the car be taken and then initiate legal action if they think they have been treated wrongfully. Officers should also advise the registered owner in the event a court order has been obtained that, if they refuse to let the car be taken they may be liable for a contempt of court charge. If this person still refuses to let the car be taken, officers should advise the reposessor not to take the car but to start contempt proceedings. "Court Order" referred to is a Writ of Replevin.
- c. Under no circumstances can property be removed from a structure (house, garage, etc.) for the purpose of repossession without the registered owner's permission or a Writ of Replevin which is

- carried out by the Sheriff's Department.
 - d. If the registered owner of an automobile which has been repossessed has any questions concerning the legality of such repossession, they should be advised to consult their attorney or present the matter to the Legal Aid Society.
- (5) Concealment and/or Removal of Mortgaged Vehicles - C.R.S. §18-5-504
- a. Patrol officers will not make a report but will direct the complainant to respond to the appropriate District Investigative Unit during normal business hours to speak with a detective.
 - b. A detective will interview the complainant. At the end of the interview, the detective will:
 - 1. Request a copy of the mortgage agreement
 - 2. Request a resume of what efforts the complainant has made to recover the vehicle
 - 3. Examine the agreement for specific conditions regarding the location of storage, maintenance, etc., of the vehicle in question
 - 4. Attempt to determine if the actions taken to remove or conceal the vehicle are in violation of C.R.S. §18-5-504
- (6) Theft of Rental Property (Motor Vehicle) - C.R.S. §18-4-402
- a. The Colorado Revised Statutes (C.R.S.) require seventy-two (72) hours to elapse beyond the time rented property is to be returned as an element of the crime "Theft of Rental Property"
 - b. If the required time period has elapsed, and a car dealer or individual has made every reasonable effort to regain possession of a vehicle which has been loaned out for demonstration or other purpose, or whenever a rented car has not been returned as agreed by the parties concerned, the person reporting shall respond to the appropriate District Investigative Unit to speak with a detective. If the car rental agency is located at Denver International Airport, the reporting person will have the option to make the report in person to the detectives assigned to DIA.
 - c. If an auto is leased, rented or loaned, and there has been any overt act or omission which would indicate the leasee does not intend to return the vehicle, such as knowledge that the vehicle has or is being altered, sold, or moved out of state, the complainant may make a Theft of Rental Property report without the required 72 hours elapsing
 - d. In all cases of Theft of Rental Property (Motor Vehicle), the complainant will be instructed to:
 - 1. Respond to the appropriate District Investigative Unit during normal business hours to speak with a detective. If the reporting rental agency is located at Denver International Airport, they have the option to make a report in person to the detectives assigned to DIA. The assigned detective shall contact Records Bureau personnel immediately and provide all necessary data (i.e. license plate, VIN, year, make, model, etc.) for timely entry of the stolen motor vehicle onto the NCIC/CCIC systems.
 - 2. Provide a copy of the rental agreement and documentation showing why he/she believes the car will not be returned.
 - e. The assigned detective will review the documents, determine the validity of the claim and, if valid, will make a Theft of Rental Property report. The case will be presented to a Deputy District Attorney, who will determine if the case is acceptable for filing.
- (7) Equity Skimming of a Vehicle - C.R.S. §18-5-803
- a. Equity Skimming is defined as a person obtaining control over the vehicle of another and then selling or leasing the vehicle to a third party without written authorization from the secured creditor, lessor or lien holder, in effect "sub-letting" a vehicle.
 - b. Uniform officers will not make a General Occurrence (GO) report, DPD 250, but will direct the complainant to respond to the appropriate District Investigative Unit during normal business hours to speak with a detective.
 - c. The assigned detective will interview the complainant, determine if the case meets the statutory requirements and make any necessary reports.
- (8) VIN Inspections
- a. Regular VIN Inspection
 - 1. All vehicles with out-of-state ownership documents must have the VIN numbers inspected by any duly constituted peace officer of a Colorado law enforcement agency, licensed automobile dealer, or any of the Air Care Colorado Emissions Inspection Station before the vehicle is titled in Colorado.

2. Regular VIN Inspections are a free service to citizens and can be done by any Denver Police Officer, as time allows, during his/her normal tour of duty. The inspection will be done only on vehicles that have been previously titled in another state and on the form provided by the Division Motor Vehicles Title Section of the Colorado Department of Revenue.
- b. Certified VIN Inspections
1. Vehicles with bonded titled, homemade vehicles, rebuilt vehicles, salvage titles and other such vehicles as stipulated by the Colorado Revised Statutes (C.R.S.), require the VIN inspections to be completed ONLY by Certified VIN Inspectors.
 2. Those citizens requesting Certified VIN Inspections will be referred to the Colorado State Patrol webpage for the list of Certified Colorado VIN Inspection locations.

104.37 Deleted 04/2013

104.38 Animal Related Incidents (Revised 08/2014)

The Denver Police Department understands that all animals, especially the domesticated animal population of its citizens, have a right to life and recognizes the complexity of the human-animal relationship; in order to address incidents that arise from human-animal interaction within the context of applicable statutes, municipal codes and regulations, officers are reminded to utilize reasonable discretion when encountering animal related incidents.

When reasonable, officers will make every attempt to allow the owner to bring their animal under control and/or remove their animal from the immediate area before taking enforcement action. Officers will take into account their own safety, the safety of others in the area and the feasibility of allowing the owner to act considering the totality of the circumstances; this includes the presence of an animal control officer and/or any other exigencies that prevent such a response.

Officers will need to make their initial assessment of the animal related incident in order to formulate the appropriate response based on the behavioral traits of the animal and the environment as often the size and/or breed of the animal are inappropriate indicators. Officers should be mindful that domesticated animals are accustomed to human interaction and that it is common for a domesticated animal to run towards, jump and/or make an audible sound in order to greet a human. Officers need to differentiate between common behaviors associated with domesticated animals and those behaviors that put the officer and/or other persons in imminent danger.

Common canine behaviors:

- Canines that are frightened often are low to the ground, have their tail tucked between their legs and the ears may be flat against the head.

- Canines that are barking/lunging and that are restrained by a barrier (e.g., fence, chain, rope) are often the highest risk to bite due to the canine feeling frustration at not being able to access the human and/or feeling territorial over the space. The best strategy is to maintain a safe distance. An unrestrained canine that communicates in the same way is conveying a warning, not necessarily intent to bite – however, if the warning is not heeded, the canine may be likely to bite.
- Canines are stimulated by quick movement and will chase any rapidly moving object. Thus, running from a canine stimulates chasing behavior and may escalate to grabbing and biting. Often, this is not aggression, but rather a game for the canine.
- Canines that are snarling (tensing their lips to expose their teeth) and growling are conveying the clearest and strongest of warnings. A growling canine should not be approached.

When officers have sufficient advanced notice that a potentially dangerous domesticated animal may be encountered, such as in the serving of a search warrant, officers will develop a reasonable contingency plan for dealing with the animal without the use of deadly force. When the officer reasonably believes, based on the facts and circumstances, that the animal on which the force is used poses an immediate threat of injury to the officer or another individual, he/she will apply the use of force continuum and use the minimum amount of force necessary to bring the animal under control.

Nothing in this policy shall prohibit any officer from resorting to deadly force to control a vicious or dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impracticable. However, serious damage to community trust can result when an officer's assessment of "imminent danger" is challenged by witnesses, the animal's owner or a video recording of the event. Officers can mitigate liability and harm to themselves, fellow officers, bystanders and community perception by attempting to diffuse potentially harmful situations without the use of lethal force.

Non-lethal options:

- Batons, flashlights and/or clipboards can all be used to block or redirect an attack. In addition, these items can be used in lieu of a bite stick.
- Fire extinguishers produce noise, cold and an expanding cloud – a combination that frightens canines.
- Oleoresin capicum (OC) spray is highly effective and can be sprayed from a great distance.
- An ERD/TASER must be deployed differently than with humans. The canine's body mass is parallel to the ground, therefore to properly use the device, it must be held sideways so that the probes fire horizontally and in line with the canine's body. The ERD/TASER should be used sparingly as it can cause serious death or injury to the animal.

(1) Injuries caused by animals

- a. Officers will render first aid and call for EMS, if necessary. If the injury involves an animal bite, the person will be advised to seek medical attention.
- b. If the bite was sustained from a domesticated animal, officers will attempt to locate the owner and advise them that all animal bites must be reported to the Denver Animal Shelter within twelve (12) hours so that the animal can be impounded for rabies observation. Victims and/or legal guardians will be advised of the same.
- c. Victims that have sustained an animal bite from a wildlife animal (e.g., skunks, raccoons) will be advised to report the incident to the State Health Department.

(2) Dead animals: Officers will report the location of any carcass or remains of dead animals to the dispatcher.

- a. If there is evidence of criminal activity, the officer will complete a GO report, photograph the animal and collect any relevant evidence. The officer will request the removal of the animal through Denver 911.

(3) Injured animals

- a. Officers encountering any injured domesticated animal will make all reasonable attempts to contact the owner or responsible party.
- b. If the owner cannot be located, the officer will advise Denver 911 of the location and request assistance from the Denver Animal Shelter.

- c. Officers will use discretion when rendering aid to an injured animal. Animals that have sustained an injury are often fearful of further attack and/or injury and may become aggressive if not approached with caution. Officers will consider the totality of the situation, to include the nature of the injury, whether the animal is an immediate danger to the community, the current behavioral state the animal is exhibiting and whether the officer is even adept to deal with the type of injury when making this decision. Officers will be mindful of the perception of the public when utilizing their discretion.
- (4) Cruelty to animals: Personnel assigned to the Denver Animal Shelter investigate cases of cruelty to animals, neglect, abandonment or poisoning.
- (5) Killing of Animals: Officers may kill any vicious or dangerous animal that is an immediate danger to life, or which requires a humane ending to its suffering from serious injuries. If the animal in question has bitten someone, the officer will try and keep the animal's head intact as the examination of the brain can determine if the animal was rabid. See OMS 105.05 (3) c.
 - a. When an officer discharges a firearm in order to kill an animal they will maintain their firearm in its condition at the conclusion of the event, making no changes to the firearm, except to make it safe.
 - b. Empty magazines, speed loaders, spent shell casings etc, will remain where deposited, and will be documented and collected during crime scene processing.
 - c. The involved officer will maintain custody of their firearm and the responding homicide detective, under the advisement of their sergeant, will decide if the firearm is to be relinquished.
 - d. If the firearm is not relinquished, the responding homicide detective will ensure the weapon is documented prior to the involved officer being released from the scene.
 - e. If the firearm is to be relinquished see, OMS 105.04(4)d.
- (6) Wild animals: The Colorado Department of Wildlife will be contacted to have representatives respond to the scene to control and capture such animals.
- (7) Loose livestock
 - a. Vehicular traffic should be slowed or stopped to allow any roaming or grazing livestock to be herded off the roadway.
 - b. Assistance in herding, transporting and corralling is available from the Brand Inspection Division of the Colorado Department of Agriculture and/or the Denver Police Mounted Patrol Unit. On-call representatives are available through Denver 911.
- (8) Nuisance Complaints
 - a. In order to file a nuisance complaint, the complainant must appear in person at the Denver Animal Shelter or call Denver 311 for further information. The complainant must know the name and address of the animal's owner and be able to identify the owner as well as have a sufficient factual basis for the filing of the complaint. The written complaint must state the specific location, date and time of the alleged offense.
 - b. Police officers are authorized to issue a US&C when he/she personally observes violations of Sections 8-46 (Barking Dogs), 8-47 (Disposition of Excrement), and 8-48 (Damaging Property) of the D.R.M.C.
 - c. Complaints concerning property damage caused by wildlife will be referred to the Colorado Department of Wildlife.
- (9) Police assistance at animal related calls
 - a. All calls for service requiring the animal control officers shall be dispatched by the Denver Health Medical Center dispatchers at Denver 911.
 - b. Denver Police officers will respond to the following:
 - 1. cases of dog bites or vicious dog complaints; when the dog is a present threat to life or additional injury.
 - 2. When persons resist the lawful duties of the animal control officer, a Denver Police officer will take the necessary action to assist in identifying the owner, issuing a summons, impounding an animal and/or any other necessary action.
 - 3. In cases of serious injury, when other assistance is not available, the police department will respond to the scene.

(10) Service Animals

- a. The Americans with Disabilities Act of 1990 (ADA) defines service animals as any dog that is individually trained to work or perform tasks for people with disabilities. Service animals are working animals and provide aid to individuals with a wide array of disabilities. These include, but are not limited to, physical, sensory, psychiatric, intellectual or other mental disabilities. Trained behaviors in crime deterrence, comfort, companionship, emotional support or other similar tasks do not qualify as service animals under the ADA.
 1. The task a service dog performs must be directly related to the disability. For example, the dog may assist a visually impaired individual with movement, provide physical support to those with mobility concerns, alert an individual to the presence of allergens, retrieve certain required items and/or help an individual with psychiatric and neurological disabilities (such as PTSD).
 2. There is no requirement concerning the amount, type of training or certification process that an animal must undergo before being labeled as a service animal. In addition, no special collar, tag or labeling is required.
 3. Service animals are not pets and in order to not interfere with the important tasks they perform, officers should not talk to, pet or otherwise initiate contact with the animal.
- b. When it is readily apparent the animal in question is there to provide aid to a disabled individual (for example, when a person with a vision impairment has a seeing eye dog), officers are not allowed to ask questions in order to verify the status of the animal.
- c. When it is not obvious what service the animal provides, the ADA allows an officer to ask the following limited two questions:
 1. Is the dog a service animal required because of a disability?
 2. What work or task has the dog been trained to perform?

If the individual responds by indicating that the animal is required because of a disability and has been trained to perform at least on task to assist the individual, the animal meets the definition of a service animal and no further questions should be asked. Officers may not ask about the nature of the person's disability, require medical documentation, require documentation concerning the training of the animal or ask the owner to have the dog demonstrate the task it has been trained to perform.
- d. Service animals in public buildings and/or facilities
 1. Service animals are permitted anywhere the public is allowed.
 2. Under the ADA, service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. Under such circumstances, the individual must maintain control of the animal through voice, signal or other effective controls.
 3. Service animals may be excluded from areas of police facilities that are not open to the public, such as the inside of a patrol vehicle or the district station holding cells.
 4. A person with a disability cannot be asked to remove a service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it, including when an animal exhibits vicious behavior and poses a threat to the safety of others; or (2) the dog is not housebroken. Barking alone is not a threat nor does a direct threat exist if the owner takes prompt, effective action to control the animal. When there is a legitimate reason to ask that a service animal be removed the person with the disability must be offered the opportunity to obtain the goods or services without the animal's presence.
- e. When an officer takes an individual with a service animal into custody, the officer will explain that the service animal will not be allowed into a detention facility; however, the officer will make every effort to turn the service animal over to a caretaker designated by the owner/handler. If no caretaker is available, the animal will be turned over to Denver Animal Control. Denver Animal Control can be requested through dispatch and will respond 24 hours a day to all calls for placement of service animals. The officer must tell the responding animal control officer that the animal in question is a service animal, so that an administrative hold can be placed. The officer will note the disposition of all service animals when the owner/handler is arrested on the Daily Activity Log, DPD 120.
- f. Service animals may be of any type or breed. Disabled individuals who possess a pit bull trained as a service animal may not be arrested or prosecuted for violating any Denver Revised Code prohibiting pit bulls.

104.39 Contacting Employees at Place of Employment

- (1) All officers are instructed that under ordinary and normal circumstances they are to make a first contact at a private business or in any governmental agency with the manager or assistant manager of the employee they want to interview.
- (2) The purpose of contacting the manager or assistant manager first rather than the employee is to expedite the contact of the employee to create as little disruption of work activities as possible and to save our officers' time.
- (3) This procedure does not apply if there exists the possibility that the contact of the manager may in some way allow the escape of an employee who is to be arrested.

104.40 Colorado Victim Rights Statute

- (1) The Colorado Victim Rights Statute C.R.S. §24-4.1-302.5 requires that police officers provide certain information to victims of specified criminal acts. A summary of the specified crimes is as follows:
 - a. Any crime of violence reported as a violation of state statute (murder, kidnapping, robbery, assault, sexual assault, harassment by stalking, ethnic intimidation etc.);
 - b. Any domestic violence related crime including city ordinance violations (simple assault, disturbance, threats, etc.);
 - c. Any state statute crime of violence or theft C.R.S. §18-4-401(1) committed by the suspect in the presence of a victim who is an "at-risk" person. By legal definition C.R.S. §18-6.5-102, this includes persons age 60 or older or those who are disabled due to mental illness/impairment or who are unable to: walk, see, hear, speak or breathe without mechanical assistance. See OMS 104.49(1);
 - d. Careless driving that results in the death of another or failure to stop at the scene of an accident where the accident results in the death of another.
- (2) In order to assist these crime victims and to comply with the Victim Rights Statute, officers and investigating detectives shall, at a minimum, advise these crime victims of the following information:
 - a. The telephone number for the Denver Police Department Victim Assistance Unit (720-913-6035)
 - b. When an adult suspect has been arrested, the victim shall be given the Victim Information and Notification Everyday (VINE) Hotline telephone number **(1-888-263-8463)**. By calling this number and entering the suspect's name or booking number, the victim can arrange to be immediately notified when the suspect is released from custody.
 - c. The Victim Assistance Unit brochure titled, "Your Rights as a Victim of Crime", which contains the foregoing information, shall be given to the described victims
- (3) Detectives assigned to investigate these described cases shall ensure that a copy of the General Occurrence (GO) report, and/or case documents showing a phone number or location where the victim(s) can be contacted is immediately forwarded to the Victim Assistance Unit **(fax 720-913-7502)**. The Victim Assistance Unit will contact the victims and provide the needed information and assistance.

104.41 Theft of Meals - Gasoline

- (1) When a suspect is arrested
 - a. The suspect shall be charged with Shoplifting, Section 38-51.5. Do not charge a suspect with "investigation" unless the offense is a felony
 - b. The suspect may be jailed or walked through the Identification Section or, in minor offenses with positive identification, ordered in to Court at the discretion of the arresting officer.
 - c. If the suspect is jailed, the block "Jail, Bond Not Required" shall be checked in most instances. When a bond is not required, the suspect will be released after being fingerprinted and photographed. When the suspect is without adequate positive identification, is a transient or is a Denver resident who presents to the officer the impression they will not appear in Court as ordered, bond is appropriate
 - d. The court appearance date shall be set at a minimum of fourteen days from the date of the offense, excluding weekends and holidays.
 - e. Fill in complete details of offense and all other pertinent information such as witnesses' names and addresses where applicable, on the reverse side of the General Session Summons and Complaint. A person familiar with the value of the items taken must be endorsed as one of the witnesses

- (2) Felony cases (more than \$1,000.00): When the retail value of items taken is more than \$1,000.00, the case shall be handled as any other felony, processing the suspect following the guidelines in OMS 104.01(24) and proper disposition of property.
- (3) If the offense involves a check or financial transaction device, the procedures in OMS 303.08 and 303.12 shall be followed.

104.42 Utilization of Arrest Teams at the Scene of Non-Violent Demonstrations Where Unlawful Acts are Committed

The below procedure is a general processing guide and can be modified as determined by the Incident Commander:

- (1) Upon arrival at the scene of a demonstration, the officer in charge shall endeavor to identify the leader or leaders and, if possible communicate with the mass of demonstrators through their leadership. The demonstration leader, or the group, shall be advised of the laws pertaining to the free movement of pedestrian and/or vehicular traffic while demonstrating and/or any other statute that may be violated during their presence. In the event of mass arrests for non-minor events, the officer in charge at the scene may utilize all or parts of the procedures described in OMS 104.42 and 104.43.
- (2) All uniform officers reporting to the scene of a demonstration shall be structured in squads under the supervision of a sergeant. The squad size shall be determined by the officer in charge, in accordance with the individual situation. Each sergeant shall be responsible for instructing their officers in the techniques of employing arrest teams, designating the arresting officers, and actively directing the activities of the team members.
- (3) Arrest teams shall consist of the following personnel:
 - a. One sergeant, who shall be in direct charge of an arrest team
 - b. Arresting officers
 - c. Supporting officers

104.43 Mass Arrests

- (1) In the event that mass arrests for non-violent minor offenses appear imminent, the officer in charge at the scene shall approach the demonstration leadership and explain the violation being committed. See OMS 108.03.
- (2) The officer in charge shall direct that all violations be corrected immediately. If they are, no further police action shall be taken.
- (3) The officer in charge shall determine the number of persons likely to be arrested and the number of transporting vehicles necessary to accommodate these numbers.
- (4) If the leaders do not comply with the directives, the officer in charge shall publicly announce to the crowd through a voice amplification system, the following announcement and dispersal order: "I am (name and rank) of the Denver Police Department. I hereby inform all persons assembled that you are in violation of (City ordinance or State statute violated in general terms). In the name of the people of the City and County of Denver, I command all of you here assembled, to disperse. Failure to do so shall subject each of you here to arrest and prosecution."
- (5) The officer in charge shall wait a reasonable length of time for compliance. If the crowd does not disperse, repeat the aforementioned order. Both of these announcements, along with any statements by the demonstration leadership, may be tape recorded as evidence, if such is possible.
- (6) A commanding officer from the Major Crime Division shall be in charge of mass arrests processing and will determine the number of Mass Arrests Processing Teams, hereinafter referred to as MAP Teams.
- (7) Each MAP Team consists of five to six officers and a supervisor equipped with a mobile trailer containing equipment and documentation including the following:
 - a. Digital camera equipment and saved data cards
 - b. Lap top computer, printer, SD card reader, router, and wiring
 - c. Large storage (Raid) hard drive
 - d. Large data cards, General Sessions Summons and Complaints, and property documentation
 - e. Generator
 - f. Privacy screens and portable awning

- (8) MAP Teams will generally deploy behind any field force or response team and be within walking distance of arresting officers.
 - a. Sufficient DPD or DSD personnel shall guard the MAP Teams along with any appropriate bus or van used for prisoner transport.
- (9) Once deployed and set up has occurred; the following procedures will be followed by arresting officers and MAP Team personnel:
 - a. Whenever possible, dual loop flex cuffs will be utilized for arrests which feature an embossed unique identification number along with six detachable labels featuring the same unique number. The number will be used to track the prisoner and the labels shall be attached to accompanying documentation. After the flex cuffs are cut by DSD personnel, one half of the cuffs will remain on the suspect for identification and tracking.
 - b. Arresting officers will search prisoners and place property into DSD property bags with the exception of billfolds or currency. One of the flex cuff labels will be affixed to the property bag or the number handwritten onto it. Property bags will be transported with the prisoner to the location of detention by DSD. Standard size backpacks will also be transported with prisoners by DSD. Oversize property will be placed in the Property Management Bureau.
 - c. If possible, arresting officers in pairs will arrest suspects with one officer generally maintaining control of the suspect and the other documenting the event.
 - d. The arresting officer without control of the suspect will be given a clipboard and begin documentation including GSS&C, DPD 287, Property Envelope, and Property Invoice & Receipt, DPD 122. The GSS&C narrative should be completed with sufficient notes regarding the arrest that the document could stand on its own when reviewed for arraignment. The cuff number shall be handwritten on the GSS&C to insure it is present on all NCR copies. This officer will also provide suspect and arrest information to MAP officers to be placed onto the large data board.
 - e. The large data board will list information about the arrest including suspect information, violation, along with an affirmation read by the arresting officer similar to a General Sessions citation.
 - f. Once the data board is completed, **both** officers and the suspect will be photographed with the data board also in the photo.
 - g. The officer in control of the suspect will then give a video interview to MAP personnel including all information documented on the data board. In addition to "LOVID," the officer will also give a personal account of the arrest including their observations. Information such as who gave the order to disperse and time of order should be documented in the interview. MAP personnel will ask any follow-up questions necessary. Uncooperative suspects will be removed and only the officer will be featured in the video.
 - h. The MAP team member operating the digital camera will attach one of the flex cuff labels to the SD card and then give the SD card to MAP members operating the lap-top computer. One SD card will be utilized per suspect and will be later booked into the Property Management Bureau individually.
 - i. The MAP team officer operating the computer will place the card in the reader, download the files into the hard drive and print two copies of the photograph. One copy of the photo will be given to the arresting officer and the other will be placed into the property bag with the General Sessions.
 - j. The SD card itself will be placed into a plastic bag/property envelope. The property envelope will be stapled to the completed property invoice; each of which shall receive a flex cuff label.
 - k. MAP team members will assist arresting officers in completing documentation including GSS&C, Property Invoice & Receipt, and Property Envelope.
 - l. The completed GSS&C, photograph, property bag, personal property including standard size backpacks, and bags will be received with the suspect by Denver Sheriff Department personnel for transport.
 - m. Property envelopes, Property Invoices & Receipts, large personal property, and additional evidence will be transported by Property Management Bureau personnel.
 - n. Once a DSD bus is full and ready for departure, data for each transported suspect will be downloaded by DSD personnel onto a USB drive to be transported with the prisoners. Photos and video interviews can then be made available for arraignment at the location of detention.
 - o. MAP team members shall keep an arrest log that will include each arrestee's name, DOB, home city/state, and charge. Arrest logs shall be forwarded to the Command Post
- (10) Felony and misdemeanor packets will be available for completion by arresting officers. Officers making felony or state misdemeanor arrests will be taken out of service when available.
- (11) Juveniles will be charged on a JV summons, if appropriate and kept separate (sight and sound) from adults. Juveniles will be transported to DPD Headquarters by Juvenile Intake personnel.

- (12) Property with no monetary value such as signs, literature, or other items carried by an arrestee not considered personal property, will be considered trash and discarded. Public Works resources are available if needed. Mobile processing stations will discard trash after arrests are processed. A photo of the items grouped together will be taken prior to their disposal.
- (13) Pamphlets from the Office of the Independent Monitor will be provided to arrested parties making claims of inappropriate conduct by police officers. The pamphlet will be placed into the suspect's property bag. Both Spanish and English versions of the pamphlet will be available. The form is self addressed with prepaid postage and explains to the suspect how to file a complaint with the OIM and IAB. If an arrestee is claiming an officer used unnecessary force and has any visible injuries or requests medical attention, the arresting officer's supervisor will be required to respond to insure no further investigation is required at the scene.
- (14) At the completion of an event, MAP personnel shall save all data by date and location onto a large-capacity hard drive called a Raid Drive which is to be placed into the Property Management Bureau. The arrest log will be forwarded to the command post.

104.44 Identification Procedures

- (1) The Denver Police Department recognizes the importance of obtaining complete descriptions of offenders linked to unlawful acts and is committed to providing accurate information and verifying suspect identity when seeking warrants for the arrest of subjects involved in criminal incidents. A critical aspect to subject identification is ensuring that reasonable efforts occur to verify the correct identity of a suspect.

Accurate documentation is a key factor when writing a warrant and preparing a criminal filing for the court. With this in mind, officers and investigators shall use the following procedures, under the proper circumstances, when identifying possible suspects involved in a crime under investigation.
- (2) General information: Eyewitnesses play a critical role in our criminal justice system. They are often essential to identifying, charging, and ultimately convicting perpetrators of crime and in some cases may provide the sole piece of evidence against those individuals. For these reasons, the value of accurate and reliable eyewitness evidence cannot be overstated.
- (3) Definitions: There are three types of identification procedures conducted by law enforcement officers. These procedures are designed to obtain witness and victim identification of suspects involved in criminal activity. These identification types are as follows:
 - a. Show-up: This is a one-on-one identification procedure most often used immediately after a criminal event, where the suspect is caught at, or a short distance from, the crime scene. Similar to the show-up is officers/investigators showing a single photograph when the victim or witness knows the perpetrator. In this circumstance, officer/investigators must ensure that the witness/victim has articulable knowledge of the subject prior to showing the single photograph.
 - b. Photographic line-up: This is an identification procedure where a series of photographs are placed into an array for the purpose of showing a witness.
 - c. Physical line-up: This is an identification procedure where several individuals, including the subject, are staged for the purpose of viewing by a witness.
- (4) Show-up procedures: When circumstances require the prompt display of a single suspect to a witness, challenges to the inherent suggestiveness of the encounter can be minimized through the use of procedural safeguards. Show-up style identification procedures are often challenged and every effort must be made to avoid unnecessary suggestiveness. When conducting a show-up, the investigator/officer will:
 - a. Determine and document, prior to the show-up, a description of the perpetrator.
 - b. Transport the witness to the location of the detained subject to limit the legal impact of the subject's detention. There are legal restrictions as well as scene contamination issues regarding the return of suspect(s) to the scene.
 - c. Separate all witnesses to avoid information contamination.
 - d. Caution witnesses that the subject MAY OR MAY NOT be the suspect involved.
 - e. Assure witnesses that an investigation will continue regardless of their ability to make or not make an identification.

- f. Allow only one witness at a time to view the subject when multiple witnesses exist.
 - 1. Should a witness make an identification other identification means should be employed for the remaining witnesses. This is a safeguard method should the show-up procedure be attacked in court.
- g. Document in statement form the information provided by the witness(es) regardless of whether they do or do not make an identification. In addition, document the time and location of the show-up and take photographs of the subject to preserve the description of the suspect at the time of the show-up.
- h. All documents secured in this procedure will be forwarded to the investigative unit responsible for any subsequent investigation of the crime committed.
- i. Investigators occasionally show a single photograph to confirm identity in specific situations. These include, but are not limited to:
 - 1. Verifying the identity of a spouse or boyfriend/girlfriend in a domestic violence case
 - 2. Confirming the identity of a suspect known to the witness or victim
 - 3. Confirming the identity of a known associate to a witness
 - 4. Verifying the knowledge of a subject to a victim in DNA/CODIS identification situations

(5) Photographic line-up procedures: It is the policy of the Denver Police Department that when conducting a photographic line-up, the sequential photographic line-up procedure will be used. The sequential decision procedure is meant to reduce the tendency of the witness to compare one photo with another photo (i.e., make relative judgments).

The idea is for the witness to make a final decision on each photo before moving on to the next photo by comparing each photo with his/her memory of the perpetrator. When constructing and showing a sequential line up, the following procedure will be used:

- a. Constructing the Photographic Line-up:
 - 1. Include only one target subject in each photographic line-up packet.
 - 2. The investigator/officer will use reasonable efforts to obtain the most recent existing photo of the target suspect prior to showing the photographic line-up to the witness/victim. Occasionally, the investigator/officer may experience circumstances that do not allow for the showing of a recent photograph. Such circumstances include, but are not limited to:
 - a. The subject shaved or has grown facial or head hair since the occurrence of the incident.
 - b. The current photograph shows the subject wearing glasses or a cap/hat not described by the witness/victim at the time of the incident.
 - c. The subject show facial anomalies such as tattoos, jewelry, or injury in the most recent photograph that was not present at the time of the incident.
 - d. The subject aged since the incident and a photograph taken near the time of the incident would prove more appropriate (e.g. cold case investigations).
 - 3. Should multiple photographs of the subject exist, select the one that best fits the witness's description of the subject.
 - 4. Select filler photographs that generally fit the witness's description of the subject, and that are consistent with the subject photograph.
 - 5. Include a minimum of five filler photographs in addition to the subject photograph, but no more than ten total photographs.
 - 6. The same filler photographs will not be used for additional subject line-ups constructed in the same case investigation.
 - 7. Each photograph will be placed on its own blank sheet of paper. The subject's position in the line-up should be rotated randomly. Investigators/officers should be aware that they are not routinely placing subjects in a consistent position with each line-up folder produced.
 - 8. Ensure that the subject does not stand out unduly and that the photographic line-up is not overly suggestive. This will include, as best as practical, choosing photographs that do not contain unique identifiers such as numbers, markings, or other unique characteristics that the filler photographs do not have.
 - 9. Document the identity of all persons inserted into the photographic packet.
 - 10. Produce an "original" and a "working copy" of the photographic array. The "original" will be placed into the Property Management Bureau under the evidence number for the investigation. The "working copy" will be maintained with the case file.

- b. Conducting the Photographic Identification Procedure:
 1. The photographic identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness's identification. This process will be conducted in a manner conducive to obtaining accurate identification or non-identification decisions on the part of the witness.
 2. The photographic array will be shown to the witness in a "blind" format. With this type of procedure, the case investigator/officer simply has someone who is not familiar with the case, or with the identity of the lineup members, and does not know the position of the target subject in the lineup, conduct the lineup procedure. Such a procedure helps ensure not only that the case investigator/officer does not unintentionally influence the witness but also that there can be no arguments later that the witness's selection or statements at the lineup was influenced by the case investigator/officer.
 - a. The Blind Line-up may not be utilized in the following situations:
 1. The officer/investigator articulates a compelling need to avoid such a procedure, or the case investigation will be jeopardized by such a procedure, or
 2. The officer/investigator obtains the approval of a command officer to not use the Blind Line-up.
 3. In no instance will a line-up be shown in a format other than a Blind Line-up where the charges sought will be felony charges.
 3. Prior to viewing the photographic line-up, the investigator/officer will read the line-up Admonition/Identification, DPD 170, to the witness viewing the line-up. At the conclusion of reading that form, the witness will sign the form to indicate that they understand the document. This signed form will be included in the case file.
 4. In addition to the admonition, provide the witness with the following information:
 - a. Individual photographs will be viewed one at a time.
 - b. The photos are placed into the array in random order.
 - c. Please take as much time as needed in making a decision about each photo before moving on to the next one. The investigation will continue regardless of his or her ability to make an identification.
 - d. All photos will be shown, even if an identification is made.
 - e. If you can make an identification, please indicate your selection to the investigator/officer.
 - f. Please note your level of certainty regarding your identification or non-identification (confident, somewhat confident, or not confident at all).
 5. Should the witness make or not make identification, officers/investigators will document the following:
 - a. Identification information of all subject and filler photographs, and sources of all photos used
 - b. Names of all persons present at the photographic lineup
 - c. Date and time of the identification procedure
 - d. Document, in writing, statements as to the witnesses' ability to make or not make an identification
 - e. When the witness/victim makes identification, the investigator/officer will ask the person viewing the photographic line-up to sign a copy of the photograph indicating that the photograph selected is of the subject involved in the crime under investigation. Should the person viewing the photograph refuse to sign, the officer/investigator shall document that fact in their statement or report.
 - f. Identification statements can be made on the Admonition/Identification, DPD 170, or Statement form, DPD 366, should more space be required
 6. Make a copy of the photographic line up packet that the witness viewed irrespective to their making an identification. Include the signed photograph with this copy if the witness makes an identification. Place a copy of the signed admonition form with the copied packet. Place this copied packet with the case file. Place the originally signed admonition for each witness viewing the line-up into the case file.
 7. Other than shuffling photographs to show a line-up to other witnesses, officers/investigators

shall make no changes or additions to the original photographic line-up packet. Officers/investigators will show each witness in a given criminal investigation the same original photographic line-up packet. When showing the same photographic line-up packet to additional witnesses in the same case investigation, the officer/investigator shall randomly rotate the photograph positions to avoid charges of suggestibility.

- (6) Physical Line-up Procedures: The target subject of a physical line-up may appear in one of two ways;
 - a. Voluntarily
 - b. Response to a Court order for non-testimonial evidence: (Rule 41.1 or Rule 16, C.R.S.)
- (7) When a subject is compelled to stand in a physical line-up procedure, and is represented by an attorney, that attorney will be contacted prior to conducting the physical line-up procedure. The attorney will be offered the opportunity to be present for the procedure prior to the procedure being conducted.
- (8) Admonition/Identification, DPD 170, shall be submitted for each line-up conducted by any police officer. The advisement portion of the form is to be completed prior to placing the target subject in the physical line-up. Use a separate form for each witness.
- (9) It is preferable that five persons, in addition to the target subject, be placed in the physical line-up. In the event we are unable to locate five similar individuals after a reasonable effort, four additional persons may be used, but in any event, no fewer than four. The position of the target subject shall be rotated so that they will not always appear in the center, or same location. The physical line-up procedure is the only one permitting fewer than five fillers.
- (10) It is preferable that as few police officers as possible be used in the physical line-up. Generally, inmates of the Detention Center should be used, but if circumstances warrant, similar type individuals may be used regardless of their occupation. Our objective is to present as fair a physical line-up as is reasonably possible.
- (11) Each subject will be attired in a similar fashion so that there is no undue claim of suggestibility. Dressing each of the subjects in jail clothing is a preferred method to ensure this requirement.
- (12) All witnesses viewing the physical line-up should be physically separated by an appreciable distance so that no conversation can take place among them. Additionally, all officers shall be similarly situated away from the witnesses. Witnesses must be instructed prior to the proceedings not to comment verbally or make any specific movements which might tend to influence anyone else present, until after the physical line-up is completed.
- (13) All photographs of the physical line-up procedure shall be taken by Crime Lab or Forensic Imaging Unit personnel. Photographs shall be captured in color. At least two photographs shall be taken and will show the following:
 - a. The target subject and all other individuals lined up with him or her as viewed by the witnesses.
 - b. The witnesses' positions in the audience to include the attorney representing the target subject (if present).
- (14) The Physical Line-up participants will be shown to the witness(es) one at a time. The participants will turn 360 degrees around so that all sides can be viewed. The witness(es) will be given time to view each participant prior to them leaving the room and the next participant entering. Should the participants be required to make a statement, particular movement, or wear a specific item of clothing (e.g., a bandanna, hat, etc), each participant will make the same statement, wear the same clothing item, or make the same specific movement.
- (15) After the witnesses have viewed the individuals in the physical line-up they will be required to complete the Admonition/Identification, DPD 170. The attorney representing the target subject shall be allowed to be present when the witness(es) renders the results of their observations to the officers conducting the physical line-up, and shall be permitted to review the front portion of the card. At this point, the physical line-up will be presumed to have been concluded.
- (16) At all times during the Physical Lineup procedure, the status of the attorney representing the target subject (if any) shall be that of an observer only.

104.45 Persons Held for Colorado State Parole

Procedure for jailing persons held in custody by a Colorado State Parole Officer:

- (1) Denver Police officers are authorized to transport to and incarcerate in the Detention Center, any person being held in the custody of a State Parole Officer.
- (2) The parole officer will complete two forms, Denver Sheriff's Department Form 38 and State of Colorado

Form PD 3-9, and turn them over to the Denver Police officer with the prisoner.

- (3) Police officers shall then deliver the prisoner and the two completed forms directly to the Detention Center.

104.46 Night Club Occupancy Regulations - Enforcement

- (1) Any officer, who receives a call concerning overcrowding, or finds possible violations relating to occupancy, shall advise the Denver Fire dispatcher at 720-913-2400. Fire Dispatch will then determine the appropriate Fire Department response according to the time of day and geographic location. The officer will also advise Denver 911 police dispatch of their activity and location.
- (2) The initial officer will also send a letter to the Vice and Narcotics Control Section stating the name and location of the establishment, the date and time of the incident, name, address and date of birth of the manager, owner or party responsible for the establishment at the time of the incident; as well as the name, address and date of birth of the doorman, bartender and any employees involved in the operation of the establishment at the time of the incident.

This letter should contain any and all perceived violations he or she observed; the name of the Fire Department investigating officer and what action was taken. The Vice and Narcotics Control Section will follow-up with Excise and License and take any further police action deemed appropriate.

- (3) Officers should not issue summons in any case for occupancy violations unless requested to do so by Fire Department or Building Department Inspectors.
- (4) Officers shall not advise business operators to install dead bolt locks on exit doors for security.

104.47 Arrest of Bail Bond Fugitives

- (1) Officers shall not assist bail bond personnel in apprehending a bond principal UNLESS:
 - a. A valid warrant issued by the court has been processed, an official pick-up placed in the Identification Section and entered into the CCIC computer system. See OMS 104.09(3), or
 - b. The computer printout containing information about an existing warrant in a jurisdiction other than the City and County of Denver has been verified by Identification Section personnel and this action noted on the printout. See OMS 104.01(20), or
 - c. Circumstances surrounding the activity amount to probable cause for an arrest
- (2) Officers shall not assist bond personnel in the arrest of a bond principal simply because there is a belief that the bond principal may leave the jurisdiction of the Denver court before satisfying the conditions of the bond.
- (3) The rules involving search and seizure are the same when assisting bail bond personnel as in any other arrest situation. Officers shall not extend any special "stand-by" privilege to bail bond personnel that would not be extended to any other citizens.
- (4) Officers shall notify a supervisor on any call where officers are unable to assist the bond personnel due to lack of a warrant or probable cause.
- (5) supervisor must respond to the scene if there is any information that bail bond personnel are acting outside the scope of their authority or violating the law.

104.48 Protective Custody

- (1) "When a person is intoxicated or incapacitated by alcohol and clearly dangerous to the health and safety of himself, herself or others, he or she shall be taken into protective custody by law enforcement authorities or an emergency service patrol, acting with probable cause, and placed in an approved treatment facility ... A taking into protective custody under this section is not an arrest, and no entry or other record shall be made to indicate that the person has been arrested or charged with a crime..." C.R.S. §27-81-111
 - a. No person detained or taken into protective custody for commitment to a detoxification facility shall, at any time, be listed on any police document of official action as having been arrested nor shall the fact of such detention or protective custody be released to anyone outside the Denver Police Department.
 - b. In order to take an individual into protective custody under this section, an officer must have probable cause to believe that the person is sufficiently intoxicated as to be a danger to himself, herself or others, given the totality of the circumstances.

- (2) "A law enforcement officer or emergency service patrol officer, in detaining the person, is taking him or her into protective custody. In so doing, the detaining officers may protect himself or herself by reasonable methods, but shall make every reasonable effort to protect the detainee's health and safety." C.R.S. §27-81-111
- (3) When an officer takes a person who is intoxicated or incapacitated into protective custody, the officer shall:
 - a. Request the Detox van via the dispatcher on the officer's primary channel. The officer will then switch to the service channel and give the subject's name and date of birth, and the location from which the subject was transported, to the service channel operator. The van will then transport the person to the appropriate facility.
 - b. Should the officer decide to transport the subject in his/her police vehicle, the officer shall advise the dispatcher of the transport on the primary channel, then switch to the service channel and give the subject's name and date of birth, and the location from which the subject was transported, to the service channel dispatcher.
 - c. If the intoxicated person is injured or otherwise in need of medical attention, the officer shall call for an ambulance rather than the van. Additionally, persons in wheelchairs cannot be transported in the van and must be transported by ambulance to the appropriate facility.
 - d. Complete a street check, ensuring that the individual's specific behaviors are documented in order to verify that probable cause did in fact exist.
- (4) Any officer acting in good faith who believes that a person is mentally ill or mentally deficient (this would include an aged person who is perhaps senile and confused) and that person is apt to injure or endanger himself or others if allowed to remain at liberty, may take such person into custody.
 - a. Suspected mentally ill persons will be processed as directed in OMS 104.30.
 - b. Aged, senile, disoriented persons who are walk-aways from nursing homes or other shelters may be returned to these shelters if possible. If not, the officer should take the person to Denver Health Medical Center, NOT TO JAIL. A Sick and Injured Report, DPD 150 will be completed by the officer. One copy is to be left at the Admissions Desk and the other is to be forwarded to the Missing Persons Unit.

104.49 AT-RISK PERSONS - DISABLED PERSONS - PERSONS WITH DISABILITIES

- (1) INVESTIGATIVE RESPONSIBILITY:
The Special Victims Unit (SVU) investigates allegations of abuse, neglect, or exploitation involving at-risk persons. The SVU operates Monday thru Friday, 0700-1500 hrs.
- (2) DEFINITIONS:

At-Risk Adult with an Intellectual and Developmental Disability (I/DD): A person who is eighteen years of age or older and is a person with an intellectual and developmental disability, as defined in section CRS §25.5-10-202 (26)(a). Examples of I/DD include Autism or Autism Spectrum Disorder, DiGeorge Syndrome, Down Syndrome, Epilepsy or Seizure Disorder, Fetal, Alcohol Syndrome, Intellectual Disability, Tuberous Sclerosis, Traumatic Brain Injury before age 22, and Turner Syndrome.

At-Risk Elder: Any person who is seventy years of age or older - CRS §18-6.5-102 (3).

At-Risk Person: An at-risk adult, an at-risk adult with IDD, an at-risk elder, or an at-risk juvenile - CRS §18-6.5-102 (4.5).

Disabled Condition: The condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate - CRS §25-20-102.

Disabled Person: A person in a disabled condition - CRS §25-20-102.

Person with a Disability: Any person who is - CRS §18-6.5-102:

 - Impaired because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision of both eyes to such a degree as to constitute virtual blindness;
 - Unable to walk, see, hear, or speak;
 - Unable to breathe without mechanical assistance;
 - A person with an intellectual and developmental disability as defined in CRS §25.5-10-202;
 - A person with a mental health disorder as defined in CRS §27-65-102 (11.5);
 - Mentally impaired as defined in CRS §24-34-501 (1.3)(b)(II);

- Blind as defined in CRS §26-2-103 (3); or
- Receiving care and treatment for a developmental disability under Article 10.5 of title 27, CRS.

(3) REPORTING - GENERAL:

The age or disability of the victim or witness will not be a factor in determining whether to file a General Occurrence (GO) report or proceed with an investigation. Concerns about the validity of the information can be included within a letter to detectives through Versadex.

(4) MANDATORY REPORTING:

Colorado Revised Statute §18-6.5-108 specifies that a person who is considered a mandatory reporter under this statute:

- who observes the abuse or exploitation of an at-risk person, or
- who has reasonable cause to believe that the at-risk person has been abused or exploited, or
- is in imminent risk of abuse or exploitation,
- will report such fact to law enforcement within 24-hours of discovery or observation.

The list of mandatory reporters is lengthy, but it includes all law enforcement personnel, first responders, medical providers, care providers and social workers. Willfully violating this statute is a Class 3 Misdemeanor.

- Officers, whether on or off duty, will report within 24-hours of discovery or observation any incident to the law enforcement agency where an at-risk person may have been abused, exploited or where the at-risk person may be in imminent risk of abuse or exploitation and will notify their sergeant by the end of their next work shift.

(5) INCIDENTS INVOLVING AT-RISK PERSONS:

- Officers responding to incidents involving, or otherwise receiving reports of suspected abuse, neglect, or exploitation of an at-risk person will complete a GO report. Regardless of the outcome, officers will select the most appropriate offense type (e.g., Adult Neglect, Theft-At-Risk, etc.). In addition to collecting the identifying information of the at-risk person (i.e., full name, date of birth, etc.), officers must also document the following within their report:
 - The reporting party's contact information.
 - The contact information of the at-risk elder's caretaker, if applicable.
 - The name of the alleged perpetrator.
 - The nature and extent of the at-risk person's injury, whether physical or financial based.
 - The nature and extent of the condition that required the report to be made.
 - Other pertinent information relative to the complaint (e.g., at-risk person transported to hospital).
 - Officer's observations.
- When a primary caregiver is arrested or unavailable, the officer will attempt to locate temporary attendant care, such as a friend or relative. If such care is not available, the officer should contact Adult Protective Services, 720-944-2994, during business hours or 303-601-5669 for the after-hours on-call staff. In most cases, Adult Protective Services will have contract care providers respond. If an I/DD at-risk person is enrolled in Rocky Mountain Human Services (RMHS), RMHS may be contacted 24-hours a day at 303-636-5600 for possible assistance. Additionally, officers may notify Denver 911 to contact the Victim Assistance Unit for assistance.
- If the incident is unfounded or determined to be non-criminal, officers should select "Welfare Check" or "Letter to Detective" for the GO report. The at-risk person will be listed as either a victim or subject entity. The officer will identify at-risk persons with an I/DD by selecting "Intellectual/Developmental Disability" under the dependency table.
- If the officer believes there is imminent risk to the at-risk person's health/safety, the officer should request paramedics to evaluate the at-risk person for possible hospitalization. If the at-risk person is not hospitalized, the procedures listed above should be followed. The officer's GO will be automatically shared with Adult Protective Services and the Denver District Attorney's office.

(6) AT-RISK PERSON CASE INVESTIGATIONS:

- a. Criminal allegations other than abuse, neglect or exploitation involving at-risk persons and Adult Protective Services (APS) referrals that require further investigation will be assigned to the district where the crime (e.g., criminal mischief, theft, etc.) reportedly occurred or to the appropriate Major Crimes Division Section, (e.g., Sex Assaults, Fraud, MEP, etc.). The Denver District Attorney's Economic Crime Unit may also investigate crimes against at-risk persons that are complex in nature.
- b. To ensure that at-risk persons receive the highest level of customer service and in compliance with confidentiality laws, a cooperative agreement is in place between the Denver Police Department, Adult Protective Services, and the Denver District Attorney's Office. Investigators should coordinate investigations with the assigned case worker. Adult Protective Services can be contacted by email at adultprotectiveservices@denvergov.org or by telephone at 720-944-2994.
- c. The victim interview should be video recorded if investigating an abuse or neglect allegation.

(7) REVIEW OF ADULT INTAKE REFERRALS:

- a. The Special Victims Unit supervisor reviews all Adult Protective Intake Referral forms and classifies them as "additional follow-up required" or "information only." APS Intake Referral forms are then disseminated to the appropriate district investigative supervisors or other designated investigative units for follow-up.
- b. When further investigation is required because of a suspected criminal offense, a detective will be assigned to conduct the preliminary investigation and a GO report will be completed to document the actions taken and a case disposition.
- c. APS Intake Referral forms classified as "information only" may, at the discretion of a supervisor, be assigned to a district officer for a home visit. The officer will assess the At-Risk person's needs, if any, and document his/her observations and any actions taken on a GO report selecting "Welfare Check" as the offense code. The officer will forward the APS Intake Referral Form to the Records Unit. When officers discover any criminal allegation during a home visit, the officer will generate a GO report and route it to the appropriate investigative unit.

(8) DISABLED PERSONS WHO ARE ILL OR BEING ARRESTED:

- a. Officers often encounter individuals who are unconscious, semiconscious, incoherent, or otherwise incapacitated and unable to communicate. Diabetes, epilepsy, cardiac conditions, allergies, and other physical illnesses can cause temporary blackouts, periods of semi-consciousness or unconsciousness.
- b. An officer will make a reasonable search for an identifying device (bracelet, necklace, metal tag, or similar item) which contains emergency medical information. This information may also be found on a Colorado driver's license. Whenever feasible, this effort will be made before the person is charged with a crime or taken to a place of detention.
- c. If there is reason to believe that a disabled person is suffering from an illness causing the condition, the officer will promptly notify the person's physician, if practicable.
- d. If an officer is unable to ascertain the physician's identity or to communicate with him/her, the officer will have the disabled person immediately transported to Denver Health Medical Center.

(9) INCIDENTS INVOLVING ELDERLY OR DISABLED PERSONS:

If an officer believes that an elderly or disabled person is not receiving adequate care, either through neglect or failure to provide services, the officer will document this information on a GO report and select "Welfare Check" as the offense code, or on a "Letter to Detective." When circumstances are not clearly established as neglect or abuse, completing a GO report is the appropriate action.

(10) PERSONS WITH DISABILITIES:

The Americans with Disabilities Act (ADA) requires that the Denver Police Department make it possible for persons with disabilities to participate in, or benefit from services, programs, and activities. To the degree possible, disabled persons should not be treated differently just because of their disabilities.

a. Hearing Impaired Persons:

The Denver Police Department must have available auxiliary aids and services for persons who are hearing impaired. Auxiliary aids and services include qualified interpreters, computer aided note taking, written materials, and note pad and pen. The department must give a hearing-impaired individual the opportunity to request the auxiliary aid or service of his or her choice and will give primary consideration to the expressed choice of the individual, unless it can be

demonstrated that another effective means of communication exists or that use of the means chosen would result in undue financial and administrative burdens.

- b. Hearing impaired victims, witnesses, or suspects:
 - 1. If an officer can effectively communicate by writing questions on a note pad and having the victim, witness, or suspect write his or her responses, then the officer may proceed with the interview. Anytime written communication is not effective, a qualified interpreter must be provided.
 - 2. If an officer cannot effectively inform a hearing-impaired suspect of the Miranda warnings without the use of an interpreter, the officer must secure the services of a qualified interpreter. In these instances, officers must also obtain the services of a qualified interpreter prior to any interrogation whenever an interpreter is needed for effective communication.
- c. When used in a criminal investigation, all identifying information of the interpreter must be included in the officer's report. All written questions and responses must be treated as evidence and handled accordingly.
- d. Interpreters for the hearing impaired are available on a 24-hour basis and may be requested through the Denver 911.

104.50 Domestic Violence

- (1) Domestic violence crimes are like any other crimes. However, there are unique procedures that officers must follow in domestic violence cases.
- (2) The policy of the Denver Police Department is to view all domestic violence complaints as instances of alleged criminal conduct. Arrest, charging, and jailing of the suspect(s) involved will be deemed the most appropriate law enforcement response when officers determine that probable cause exists.
 - a. The preliminary response to possible or alleged domestic violence will focus on establishing and maintaining the safety and well-being of all involved persons. Additional officer responsibilities include, but are not necessarily limited to the following:
 - 1. Separation and interviews of involved persons to determine incident circumstances. To the degree possible, this will be accomplished in a manner that provides potential victims the ability to provide information without danger or intimidation from the suspect. Additionally, this will assist officers in determining the potential danger presented to possible victims, as well as assist with the investigation.
 - 2. Appropriate investigation to determine whether there is probable cause for an arrest.
 - 3. Collection of evidence (i.e., physical, video, photographic, witness, etc.).
 - 4. Identification of any witnesses.
 - 5. Explanation of available services.
 - 6. Request for response of additional resources (i.e., medical, victim assistance, etc.).
- (3) DOMESTIC VIOLENCE means "an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship". "Domestic Violence" also includes any other crime against a person, against property, or any municipal ordinance violation against a person or against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. C.R.S. 18-6-800.3(1)
 - a. "Intimate relationship" means relationships between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. C.R.S. §18-6-800.3(2)
 - b. "Unmarried couples" means persons who are, or have in the past, been involved in an ongoing intimate relationship. This definition includes same sex couples. Officers shall consider two people to be an "unmarried couple" if one or more of the following is true:
 - 1. They have dated more than once
 - 2. They have had sex
 - 3. They refer to each other as "boyfriend," "girlfriend," partner, or refer to each other with terms of endearment indicating a developing relationship
 - c. Other cases requiring a mandatory arrest and which shall be investigated by the Domestic Violence Unit will also include:

1. Cases involving Harassment by Stalking (defined by C.R.S. §18-9-111), where the suspect appears to be pursuing a relationship with the victim
 2. Cases in which at-risk persons (defined in C.R.S. §18-6.5-102) are victimized by their primary caregivers
- (4) Domestic violence does not include violence between family members who are not in an intimate relationship (i.e. cousins, parent-child, siblings, etc.). This does NOT mean the perpetrator should not be arrested. These cases should be taken seriously. OMS 104.01 (10)
- (5) The standards for determining probable cause in domestic violence cases are the same as in other criminal actions.
- a. To the extent possible and to the extent allowed by current law, domestic violence perpetrated by a juvenile should be treated as seriously as the same act committed by an adult.
 - b. Probable cause cannot be based upon considerations such as the potential financial consequences of an arrest (for the suspect or victim), verbal assurances that the violence will cease, or speculation that a complainant may not appear in court to testify. Officers may not consider the profession, community standing, status, etc. of the suspect in determining probable cause
 - c. When weighing the issues of probable cause officers must keep in mind Injuries, though present, may not be readily visible
 1. Victims of domestic violence may not show the “expected” emotional response. Some of the specific behaviors that may seem inconsistent to the officer include lack of appropriate emotional response, non-cooperation, laughter, minimization/denial, irrationality, anger, aggression, and/or hysteria.
 2. In some situations, the victim’s willingness to sign a complaint may be the sole basis for probable cause, absent contradictory evidence. However, it is not necessary for the victim to sign a complaint if the officer has probable cause to believe the offense occurred. A peace officer shall not be held civilly or criminally liable for acting pursuant to the domestic violence laws if the peace officer acts in good faith and without malice. C.R.S. §18-6-803.6(5). Officers will arrest the predominant physical aggressor:
 3. Arresting both parties is considered the least appropriate response.
 4. If a peace officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer shall consider the following:
 5. Any prior complaints of domestic violence;
 6. The relative severity of the injuries inflicted on each person;
 7. The likelihood of future injury to each person; and
 8. The possibility that one of the persons acted in self-defense
 9. If an officer cannot determine who the predominant aggressor is, a supervisor shall respond to the scene to help in that determination. If a supervisor responds and determines both parties shall be arrested the supervisor will include the reasons for this decision in his/her statement.
 - d. The following should NOT be considered alternatives to the mandatory arrest law (in other words, officers must also complete a domestic violence investigation in addition to the following):
 1. DETOX
 2. The existence of arrest warrants for either party
 3. Mental Health Holds
 4. New charges resulting from non-domestic violence-related criminal activity
- (6) If an officer has questions regarding this or any other domestic violence-related issue, the officer may call their supervisor or the Domestic Violence Investigations Unit (720) 913-6071.
If after hours, call a Denver 911 Supervisor at (720) 913-2012 and they will assist an officer with locating a detective.
- (7) When probable cause does exist, the officer shall arrest and charge the suspect(s) with the appropriate offense(s). Suspects may be charged through the City Attorney’s Office for municipal ordinance violations or the District Attorney’s Office for misdemeanors or felonies. More serious cases SHOULD ALWAYS be filed with the District Attorney’s Office in State Court. The following criteria shall be used when determining what level to charge a case:
- a. Level of injury to victim, more serious injuries, such as the following, should be completed on a

General Occurrence (GO) report, DPD 250:

1. Stitches
 2. Fractures, broken bones, dislocations, or internal injury
 3. Severe bruising or burns
 4. Loss of teeth or broken teeth
 5. Loss of consciousness
 6. Strangulation or asphyxiation
 7. Hospitalization or transport for medical treatment.
 8. Use of a deadly weapon with the intent to cause fear and/or bodily injury.
- b. Violation(s) of protection order (if an officer determines that an active protection order is in place, any new domestic violence charges should be included on a General Occurrence (GO) report, DPD 250.)
- c. Level of threat to victim during present incident as well as future risk to victim.
- d. behavior should always be charged on a General Occurrence (GO) report, DPD 250.
- e. Victim pregnancy - (a General Occurrence (GO) report, DPD 250, shall be completed on all cases with pregnant victim).
- f. Intimidation of a witness is a STATE crime.
- g. Perpetrator's criminal history.
- h. Child Abuse/Child Endangerment.
- i. At-Risk status of victim.
- (8) All domestic violence investigations will be of the same quality regardless of the court level at which they are filed.
- (9) All cases to be charged and filed with either the **District Attorney's Office** or the **City Attorney's Office** must include the following:
- a. Written statements from the victim and key witnesses are always required.
 - b. Written statements from each individual responding or covering officers.
 - c. Still photographs (Digital or Crime Lab) will be taken of the victim, all visible injuries, property damage, and weapons used in an offense. The suspect will also be photographed (this is to document injury or lack of injury).
 - d. Digital video and audio statements from the victim are required. This evidence may be used to identify injuries, identify the defendant, prove self-defense, identify property damage, etc.
 - e. Digital video and audio statements from the children are required. (Officers may take the age of the child into consideration when taking a statement, but must document such use of discretion in their statement).
 - f. If a defendant is not present, obtain any (current) existing photo of the defendant. Use the photo to obtain identification of the suspect by the victim. An officer will ask the victim to sign the photo indicating that the photo is of the suspect in the reported crime.
 - g. A complete Neighborhood Survey. (Officers will take a statement if witnesses are located).
 - h. A Domestic Violence Case Summary is to be completed regardless of the type of incident (property crime, protection order violation, City Attorney case, District Attorney case, Sexual Assault, etc.).
 - i. All evidence associated with this case shall be photographed and collected.
 - j. All evidence shall be placed in the Property Management Bureau. A copy of the invoice must be included in the packet and the property invoice number included on the GSS&C as well as the GD/GW number included on the property invoice.
 - k. A statement of probable cause will include a description of the actions of the defendant, the elements of the charged offense, and the name and DOB of the victim.
 - l. The investigating officer will include a detailed written statement specifying the actions of the suspect and the victim during and leading up to the charged offense and document the emotional condition of the victim and suspect and any spontaneous statements they make.
 - m. When filing with the City Attorney's Office:
 1. Fill out either a General Session Summons & Complaint (GSS&C), when arresting the suspect outright or a General Session Summons & Complaint Warrant (GW-warrant), when issuing a

municipal warrant.

2. The officer must check the “domestic violence” box on the appropriate form (GSS&C or GW).
3. When filing on a General Sessions Summons & Complaint Warrant (GW-warrant) place all the appropriate paperwork in the Document Pack for Municipal Cases, DPD 504. Then attach it to the GW-warrant before placing it in the GW-warrant routing envelope (do not send the packet to the domestic violence unit, but put it in the mail to the ID Bureau).

n. When filing with the District Attorney’s Office:

1. When a warrant is to be issued for either a felony or misdemeanor, complete a General Occurrence (GO) report, DPD 250, and with the aforementioned paper work, OMS 104.50 (9), forward it to the Records Section.
2. When making a misdemeanor or felony arrest complete a General Occurrence (GO) report, DPD 250, Felony or Misdemeanor PA, and Probable Cause Statement and with the aforementioned paper work, OMS 104.50(9), forward it to the Records Section.

(10) The following charges are ALWAYS filed with the District Attorney’s Office. Due to their nature, they have specific requirements:

- a. **First Degree Assault** (CRS §18-3-202, a class 3 Felony) *or* **Second Degree Assault** (CRS 18-3-203, a class 4 Felony) –
 1. Is Serious Bodily Injury Present? If yes, obtain an SBI report from the attending physician (an officer may leave it with the doctor if they obtain his or her name and include that in their written statement).
 2. Collect *any* weapon used in the assault.
 3. Obtain a *HIPPA* compliant medical release from the victim.
 4. Attempt to ascertain any history of domestic violence (this can be documented on the Domestic Violence Case Summary, DPD 385).
- b. **Felony Criminal Mischief** (CRS §18-4-501, a class 4 Felony if the damage is between \$1,000.00 and \$20,000) -
 1. Obtain a verbal estimate of the damage from the victim and advise them to obtain a written estimate for the prosecutor.
 2. Take photos (digital or Crime Lab) of the damage.
- c. **Stalking** (CRS §18-9-111, a class 5 Felony for the first offense) –
 1. Collect all letters, email, journals, phone messages, audiotapes, or other evidence the victim may have, and place them into evidence.
 2. Obtain a copy of any existing protective order.
 3. Contact neighbors or co-workers as many of them may have relevant information regarding the suspect or behavior.
 4. Statement from victim to include information on credible threat and/or severe emotional distress (change in victim’s life; counseling, sleeplessness, fear, etc...).
- d. **Second Degree Kidnapping** (CRS §18-3-302, a class 4 Felony) -
 1. Obtain a detailed statement from the victim (make sure to ask whether there was any sexual assault or sexual contact as this is common in kidnapping cases).
 2. Officers should **describe how** the victim was moved (an example would be the force or coercion a suspect used to force movement).
 3. Officers will describe the victim’s demeanor.
 4. Officers should remember to describe the circumstances which may have made a kidnapping easier (i.e. high heels, clothing, holding a baby, etc) and also the circumstances of the location (was the victim in a busy street or secluded location, was the victim coerced by embarrassment in front of co-workers, etc).
- e. **Sexual Assault** (CRS §18-3-402) –
 1. All Sex Assault cases are to be handled according to OMS 301.23. The following information should be considered as additional steps and officer should consider in domestic violence sexual assault cases.
 2. Locate outcry witnesses.
 3. Ask the victim about prior domestic violence incidents.
 4. Obtain a *HIPPA* compliant release of medical records form from the victim (located on the back

- of the Domestic Violence Case Summary.
- 5. Determine whether drugs or alcohol were any part of the incident.
- 6. Ask the victim if the suspect has made any contact since the assault. If the answer is yes, document what the suspect said or did.
- (11) Juvenile suspects
 - a. Juveniles arrested for domestic violence, as defined in OMS 104.50(2), will be handled using state charges and a General Occurrence (GO) report, DPD 250.
 - b. A Domestic Violence Case Summary is required.
 - c. The juvenile suspect will be processed per Juvenile Intake procedures.
- (12) Arrest Procedures for Domestic Violence Incidents
 - a. It is NOT necessary for the victim to agree to press any charges. However, whenever an arrest is made, the victim must be listed as a witness in any notes the officer makes.
 - b. When city ordinance violations are appropriate, the Domestic Violence Case Summary, DPD 385, shall be completed and attached to the City Attorney's Copy of the General Session Summons and Complaint. Relevant statements made by the parties involved should be included in the reports submitted. Officers should also describe the emotional state of the party making the statement.
 - c. In cases where a General Occurrence (GO) report, DPD 250, is required, the officer shall complete the Domestic Violence Case Summary, an officer statement, and take statements from the victim and any witnesses on DPD 366. The statements are to be forwarded to the Domestic Violence Bureau, Major Crimes Division, via inter-departmental mail.
 - d. All forms must be completely filled out with as much detail as possible, including:
 - 1. Complete addresses (apartment number, etc.) of victims and all witnesses.
 - 2. A second permanent address and telephone number of the victim (such as address of a close family member or friend) since many victims will relocate before the case comes to trial.
 - 3. If children are present, include their full names, addresses, and DOBs.
 - 4. Child Abuse charges to be added if:
 - a. Determined children are in the room when violence occurred.
 - b. Determined children are in danger of physical injury or harm due to the violence at hand.
 - e. **On all Domestic Violence felony arrests,** the victim assistance on call person will be called out.
- (13) In calls for police assistance involving domestic violence, officers should advise the victim of assistance services available from both public and private agencies.
- (14) When a person involved in a domestic violence incident requests police assistance in removing a reasonable amount of personal property to another location, officers shall remain at the scene for a reasonable amount of time to make certain the property is removed without interference.
- (15) An officer is authorized to use every reasonable means to protect the alleged victim or victim's children to prevent further violence, including the provision of transportation to a shelter or other location within a reasonable distance for those domestic violence victims fearful of their safety. The Denver Police Cab Voucher Program may also be used for this purpose.
- (16) If the District Attorney declines to file state charges, but there is probable cause to believe that a municipal ordinance violation occurred, a General Session Summons & Complaint or General Session Summons & Complaint/Warrant will be completed by the detective. If the suspect is a juvenile, the detective will complete and serve a Juvenile Summons & Complaint/Warrant. Copies of the General Occurrence (GO) report, DPD 250, and any other reports will be attached to the City Attorney's copy of the appropriate form.
- (17) Domestic violence incidents with an officer or sheriff is the suspect.
 - a. It is the policy of the Denver Police Department that criminal acts involving domestic violence shall be handled in the same manner as other alleged criminal acts believed to have been committed by a Denver Police Officer. When a Denver police officer, Denver Sheriff, or any other law enforcement officer is a suspect in a domestic violence incident occurring within the City and County of Denver, the officer will be processed and incarcerated in the same manner as any other citizen, using the following guidelines.
 - b. Suspect officer/sheriff at the scene:
 - 1. Upon determining there is probable cause to believe a crime has occurred and a Denver Police Officer, Denver Sheriff, or any other law enforcement officer is the alleged suspect, the

- officer/sheriff will be detained at the scene by the highest ranking officer present and the Internal Affairs Bureau notified.
2. Upon the arrival of a command officer from the Internal Affairs Bureau, the suspect will be advised of his/her Miranda rights, arrested and charged appropriately by the Internal Affairs Bureau command officer.
 3. The suspect officer or sheriff will then be taken to the Detention Center and arraigned by a judge at the next available opportunity.
 4. The Internal Affairs Bureau command officer will offer the suspect officer or sheriff the assistance of the employee organizations, Psychological Services, and Peer Support.
 5. The suspect officer or sheriff's chain of command will be immediately notified of the incident.
 6. While at the scene, the investigating Internal Affairs Bureau commander shall offer the victim the services of the Denver Police Department Victim Assistance Unit and encourage the victim to use this resource. The commander shall make immediate telephone contact between the victim and the Victim Assistance Unit Director. If the victim should refuse to discuss the situation with the Victim Assistance Director, the commander will inform the Director of the details of the incident. A copy of the General Occurrence (GO) report, DPD 250, or GSS&C completed for the incident should be forwarded to the Victim Assistance Unit Director by the next business day.
- c. Suspect officer or sheriff no longer at the scene:
1. A command officer from the Internal Affairs Bureau shall conduct and supervise the investigation. If probable cause is established, a GSS&C/Warrant or Probable Cause Warrant shall be obtained.
 2. Every reasonable effort will be made to locate the suspect officer/sheriff.
 3. When the officer/sheriff is located, a command officer from the Internal Affairs Bureau, or his designee, will immediately serve the officer/sheriff with the warrant and jail the officer/sheriff, with processing as indicated by the warrant.
 4. The officer's or sheriff's chain of command and Deputy Chief will then be notified by the Internal Affairs Bureau command office.
 5. While at the scene, the investigating Internal Affairs Bureau commander shall offer the victim the services of the Denver Police Department Victim Assistance Unit and encourage the victim to use this resource. The commander shall make immediate telephone contact between the victim and the Victim Assistance Unit Director.
If the victim should refuse to discuss the situation with the Victim Assistance Director, the commander will inform the Director of the details of the incident. A copy of the General Occurrence (GO) report, DPD 250, or GSS&C completed for the incident should be forwarded to the Victim Assistance Unit Director by the next business day.
- d. Any Denver Police Officer, who witnesses or has firsthand knowledge of a domestic violence incident involving another Denver Police Officer or Denver Sheriff, regardless of jurisdiction of occurrence, must report that incident. See Duties and Responsibilities of Personnel, OMS 3.05.
1. The reporting officer shall notify his commanding officer through the chain of command. The reporting officer's or sheriff's commander, after being notified, shall immediately notify a command officer within the Internal Affairs Bureau.
 2. If off-duty, the reporting officer will notify Denver 911, which will notify the Internal Affairs Bureau.
 3. Officers who witness or have firsthand knowledge of a domestic violence incident involving a Denver Police officer or sheriff as the alleged suspect, and who fail to officially report this information, shall be subject to departmental discipline, regardless of the jurisdiction of occurrence of the alleged incident.
- e. The Internal Affairs Bureau will conduct any criminal investigations concerning Denver Police Officers, Denver Sheriffs, or any law enforcement officer alleged to be involved in domestic violence incidents within the City and County of Denver. The Major Crimes Division, at the request of the Internal Affairs Bureau, will provide appropriate assistance in the investigations.
1. If probable cause exists to believe an incident of domestic violence involving a Denver Police Officer, Denver Sheriffs, or any law enforcement officer has occurred, a command officer from the Internal Affairs Bureau shall be notified immediately. If the incident has occurred within the past twenty-four hours within the City and County of Denver, the Internal Affairs Bureau

commander shall respond to the scene or to the location of the victim.

2. If an alleged incident of domestic violence involving a Denver Police Officer or Denver Sheriff occurs outside the City and County of Denver, the Internal Affairs Bureau will assist the outside investigating agency however possible. The Internal Affairs Bureau will also initiate an internal investigation regarding possible administrative charges associated with the alleged incident.
 - f. Officers or sheriffs who are alleged suspects in domestic violence incidents may avail themselves of departmental resources such as the Peer Support Program, the Police Department Psychologist, or the Chaplain Program. These resources, or others with which an officer is familiar, are available outside the scope of any other departmental or criminal action.
- (18) Officers Subject to a Domestic Violence Restraining Order:
- a. Any sworn member of the Denver Police Department who is the subject of a protection order arising out of a domestic violence situation is ordered to provide a copy of that order to the Internal Affairs Bureau within 24 hours of the receipt of the restraining order.
 - b. This provision does not apply to the mutual protection orders automatically issued in the filing of routine divorce cases; it only applies to those orders issued due to incidents involving allegations relating to domestic violence.
 - c. When an officer appears at the Internal Affairs Bureau with a protection order, an Internal Affairs Bureau supervisor will review the order to determine if it meets the criteria under the Federal Crime Bill. If the order satisfies the criteria, the officer will be served a document advising him/her of the crime bill restrictions.
- (19) Physician Reporting of Domestic Violence:
- a. Denver 911 personnel shall dispatch a police officer to a report of domestic violence irrespective of the victim's willingness to report the incident, the jurisdiction in which the incident occurred, or the lack of information on the part of the physician or physician's staff placing the call.
 - b. Officers responding to a physician's office to take a report of a domestic violence incident for which the Denver Police Department has jurisdiction, shall follow established procedures.
 - c. If the available information is insufficient to determine the presence of a crime or the jurisdiction, a General Occurrence report, titled "Letter to Detectives" will be completed and forwarded to the Domestic Violence Bureau for investigation.
 - d. Where Denver does not have jurisdiction, the details will be forwarded to the appropriate jurisdiction for disposition

104.51 Arrests in Liquor Licensed Establishments

- (1) When persons are ordered-in or arrested in bars, taverns, liquor licensed establishments, the arresting officer will report this fact to the Vice/Drug Control Bureau on DPD 200, Inter-Department Correspondence. The officer will state the name and address of the person arrested or ordered-in, the violation for which the arrest or order-in was made, and the name and address of the establishment in which the arrest or order-in took place. See OMS 304.02(2)a2, General Rules and Regulations Governing Liquor Outlets.

104.52 Arrest/Detention of Foreign Nationals

- (1) Whenever any foreign national is arrested or detained, the arresting officer will determine the arrestee's country of citizenship and whether the arrestee wants his embassy to be notified.
- (2) The arresting officer will then contact the Identification Section and provide that information plus the arrestee's full name and date of birth.
 - a. Identification Section personnel will consult the embassy notification list provided by the U.S. State Department. If the arrestee is a citizen of a country requiring mandatory notification, Identification Section personnel will make the notification.
 - b. If the foreign national requests the notification, it will be made.
 - c. If the arrestee's country of citizenship does not require mandatory notification and if the arrestee does not want notice given, no further information is necessary except that the arresting officer will note this information on the arrest documents.
 - d. The Identification Section will keep a record of all such foreign embassy notifications.
- (3) Undocumented immigrants (includes illegal and "undocumented aliens" as referred to in the Federal Immigration and Naturalization act).

- a. The responsibility for enforcement of immigration laws rests with the Bureau of Immigration and Customs Enforcement (B.I.C.E.). Denver Police officers shall not initiate police actions with the primary objective of discovering the immigration status of a person.
- b. Generally, officers will not detain, arrest, or take enforcement action against a person solely because he/she is suspected of being an undocumented immigrant. If enforcement action is deemed necessary under these circumstances, the approval of an on duty supervisor or commander is required. In addition, as soon as is practical the commander of the involved officer shall be notified.
(The original section c. has been deleted. Revised 11-2011)
- c. The charge "Hold For Immigration" will be lodged against a prisoner only when a warrant has been issued by the U.S. Department of Justice, or an agency thereof, and then only when the warrant is on an immigration matter.
- d. Physical evidence pertaining to immigration violations shall be placed in the Property Management Bureau as evidence when there is no arrest made. A letter detailing the circumstances of the recovery of the property and the property invoice number shall be sent to the commander of the Major Crimes Division for disposition.
- e. All questions pertaining to the handling of immigration related cases shall be directed to the officer's supervisor and/or commanding officer. In addition, the commander of the Civil Liability Bureau is available for guidance regarding enforcement and non-enforcement immigration matters.

104.53 Nuisance Abatement (Revised 08-2010)

- (1) It is the policy of the Denver Police Department that real property and vehicles upon which Public Nuisance activity, as defined by Denver Revised Municipal Code (D.R.M.C) section 37-50 and C.R.S. §16-13-303, is occurring be investigated using sound investigative practices, in a manner consistent with the goal of abating the activity.
 - a. Abatement of criminal activity occurring at **real** properties may be obtained through the following means, in order of preference:
 - 1. Intervention and resolution by the District Officer, Neighborhood Police Officer, or Community Resource Officer
 - 2. Investigation by the NAU and voluntary compliance with an Abatement Plan
 - 3. Court action and seizure
 - b. Because it is difficult to determine which nuisance situations will be abated through voluntary compliance, the following procedures and guidelines shall be followed. They are not all-inclusive and should be interpreted as minimal standards.
- (2) Public Nuisance Defined
 - a. Properties which are experiencing only health, zoning, or building violations are not public nuisance properties and should be referred to the appropriate City agency for inspection and follow-up. These properties may also be handled in a manner established by District or Bureau Commanders, consistent with community needs.
 - b. A property or vehicle shall be referred to the Nuisance Abatement Unit for investigation as a public nuisance when one or more of the following illegal activities occurs, regardless of whether the person engaged in the activity is a patron, employee, owner, resident, occupant, guest, or visitor.
 - 1. Prostitution as defined by C.R.S. §18-7-201; soliciting for prostitution, as defined by C.R.S. §18-7-202; pandering as defined by C.R.S. §18-7-203; keeping a place of prostitution as defined by C.R.S. §18-7-204; or pimping as defined by C.R.S. §18-7-206.
 - 2. Professional gambling as defined by C.R.S. §18-10-102(8), maintaining a gambling premises as defined by C.R.S. §18-10-102(5), or keeping of a gambling device or record as defined by C.R.S. §18-10-102(7).
 - 3. Unlawful manufacture, cultivation, growth, production, processing, sale, distribution, storage, use, or possession of any controlled substance, as defined by C.R.S. §18-18-102, §18-18-104, §18-18-404, §18-18-405 or §18-18-406; any imitation controlled substance as defined by C.R.S. §18-18-420(3), §18-18-421 or §18-18-422; or any counterfeit controlled substance as defined by C.R.S. §18-18-423, except for simple possession of less than eight (8) ounces of marijuana.
 - 4. Felony or misdemeanor theft by receiving as defined by C.R.S. §18-4-410.

5. Unlawful manufacture, sale, advertisement, or distribution of drug paraphernalia as defined by C.R.S. §18-18-426, C.R.S. §18-18-427, □ C.R.S. §18-18-429 and □ C.R.S. §18-18-430.
6. Prostitution of a child as defined by C.R.S. §18-7-401; soliciting for child prostitution as defined by C.R.S. §18-7-402; pandering of a child as defined by C.R.S. §18-7-403; keeping a place of child prostitution as defined by C.R.S. §18-7-404; pimping of a child as defined by C.R.S. §18-7-405; or inducement of child prostitution as defined by C.R.S. §18-7-405.5.
7. Sexual exploitation of children as defined by C.R.S. §18-6-403.
8. Two or more signed complaints of disturbing the peace as defined by Denver Revised Municipal Code (D.R.M.C) section 38-89 within a 180-day period.
9. Unlawful discharge, possession, carrying, flourishing, concealment, storage, use or sale of firearms, knives and/or assault weapons, dangerous weapons, or defaced firearms as defined by Denver Revised Municipal Code (D.R.M.C) sections 38-117, 38-119, 38-121, 38-122, and 38-130, and C.R.S. §18-12-102, □ C.R.S. §18-12-103, C.R.S. §18-12-105, □ C.R.S. §18-12-106, and C.R.S. §18-12-108; or any offense relating to incendiary devices as defined by C.R.S. §18-12-109 or Denver Revised Municipal Code (D.R.M.C) Section 38-126.
10. Any gang-related criminal activity.
11. Any drive-by crime as defined by C.R.S. §16-13-301.
12. Four (4) or more offenses within any 180 day period of selling, serving, giving away, disposing of, exchanging, delivering, or permitting the sale, serving, giving or procuring of any malt, vinous, or spirituous liquor, or fermented malt beverage, to or for any person under lawful age or to a visibly intoxicated person, as prohibited by C.R.S. §12-47-128(1)(a) and □ C.R.S. §12-46-112(1)(b)(I). However, if a person who, in fact, is not of lawful age exhibits a fraudulent proof of age, the selling, serving, procuring, giving away or dispensing of beverages to that person shall not constitute a public nuisance.
13. The sale at retail of any malt, vinous, or spirituous liquors, or fermented malt beverages in sealed containers, or the manufacture, sale or possession for sale of any malt, vinous, or spirituous liquors, without holding a valid license in full force and effect to do so under Title 12, Article 47, and as defined by C.R.S. §12-47-128(f), (g), and □ C.R.S. §12-46-112(1)(f).
14. The unlawful transportation or storage of any property that is the subject of a felony theft, misdemeanor theft, or theft by receiving under C.R.S. Title 18.
15. The storage or concealment of weapons or tools used in the commission of crimes of violence as defined by C.R.S. §16-11-309, drive-by offenses as defined by C.R.S. §16-13-301 or any offense in paragraph (9) above.
16. Possession of injection devices as defined by Denver Revised Municipal Code (D.R.M.C) section 38-173.
17. Two or more signed disturbance complaints of prohibited noises as defined by Denver Revised Municipal Code (D.R.M.C) section 38-101, within an 180-day period.
18. Sexual assaults or attempted sexual assaults, C.R.S. sections 18-2-101, 18-3-402, 18-3-404, 18-3-405, 18-3-405.3, 18-3-405.5; or
19. Indecent exposure, C.R.S. section 18-7-302
20. Keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances, to C.R.S. § 18-18-411; or the unlawful possession of materials to make amphetamine and methamphetamine, to C.R.S. § 18-18-412.5; or, the unlawful sale or distribution of materials to manufacture controlled substances, C.R.S. § 18-18-412.7; or possession of one or more chemicals or supplies or equipment with intent to manufacture a controlled substance, C.R.S. § 18-18-405; or
21. Criminal mischief where the aggregate damage exceeds \$1,000.00, C.R.S. section 18-4-501.
22. Vehicular eluding, C.R.S. section 18-9-116.5, or eluding or attempting to elude a police officer, C.R.S. section 42-4-1413;
23. Keeping, maintaining, controlling, renting or making available property for the unlawful operation of a medical marijuana dispensary without a license; DRMC chapter 24, Article XI, section 24-403.
24. Impersonation of a police officer; CRS 18-8-112; DRMC chapter 38, Article II, section 38-33.
25. Illegal dumping; DRMC chapter 48, Article IV, section 48-44 or; Unlawful disposal of trash in certain containers; DRMC chapter 48, Article IV, section 48-44.5.

(3) Investigative Responsibility

- a. The primary unit charged with the investigation of Public Nuisance violations is the Nuisance Abatement Unit.
- b. Detectives from the Vice/Narcotics Bureau, District Narcotics Unit, and Community Resource Officers from each District will be responsible for certain investigations of public nuisance activities and will work in conjunction with the Department's Nuisance Abatement Unit.
- c. Vice/Drug Control Bureau or District Narcotics Unit
 - 1. The Vice/Control Bureau or respective District Narcotics Unit investigates public nuisance activity involving the seizure and forfeiture of real property, money, vehicles, or other items. In these instances, personnel from the Vice/Drug Control Bureau or respective District Narcotics Unit shall handle all aspects of the public nuisance investigation from start to finish.
 - 2. Public nuisance investigations involving prostitution, problem bars and liquor establishments, and gambling may be referred to the Nuisance Abatement Unit for investigation even if no criminal charges are filed against individuals.
- d. District Community Resource Officers (CRO) will work in coordination with the Nuisance Abatement Unit to abate any Public Nuisance problems.

(4) Public Nuisances Involving Vehicles

- a. If any public nuisance violation occurs in a vehicle, the vehicle shall be impounded - Hold for Public Nuisance. During times when the Impound Facility is on emergency status discretion is left to the officer's supervisor whether the circumstances dictate overriding this provision and towing a vehicle is appropriate.

(5) Asset Seizure and Forfeiture

- a. The Denver District Attorney's Office, Property Confiscation Division is responsible for filing all forfeiture actions. The Denver District Attorney's Office, Property Confiscation Division shall provide guidance during all phases of forfeiture actions.
- b. Types of property subject to confiscation: (Generally, the minimum value of property submitted for a forfeiture filing must be \$1000.00 or more)
 - 1. Money: Currency and other financial assets which are proceeds of a crime, or intended to be used to facilitate a crime (e.g. bank accounts, CD's, stocks, savings bonds and etcetera).
 - 2. Real estate: May include houses, condominiums, town homes, businesses, etcetera, as well as the building's fixtures and contents.
 - 3. Vehicles: Those used in the commission of the crime, conducting, maintaining, aiding, or abetting the criminal activity, or which are proceeds of the crime.
 - 4. Personal property: Items used in conducting, maintaining, aiding, or abetting the criminal activity, or which are proceeds of the crime; bought with money earned from the crime (e.g. computers, high-end television sets, electronic equipment, bicycles and etcetera).
- c. Crimes for which property can be confiscated.
 - 1. Class 1 Public Nuisance (C.R.S. §16-13-303)
 - a. There must be proof by clear and convincing evidence the property to be forfeited was "instrumental" (i.e. a substantial connection between the property to be seized and the crime committed) in the commission or facilitation of a crime creating a public nuisance or the property constitutes traceable proceeds of the crime or related criminal activity.
 - b. For property to be forfeited, the law generally requires an owner of the property had knowledge or notice of the criminal activity, or prior similar activity.
 - c. There shall be an accompanying criminal filing on an owner of the property in most cases. Assigned detectives shall discuss with the District Attorney's Office, Property Confiscation Division for any exceptions to this rule (e.g. no one will claim the property, fugitive owner, dead owner, no innocent owner).
- d. Forfeiture Affidavit
 - 1. A forfeiture Affidavit shall be completed after meeting the criteria set forth in 104.53 (5) b. and 104.53 (5) c.
 - a. A "Stipulation for Entry of Judgment" (sign-over form) may be utilized in cases involving currency seizures of \$500 - \$3,000 where the suspect voluntarily agrees to sign over the currency at the time of arrest.

- b. Even with a signed “Stipulation for Entry of Judgment,” the assigned detective shall still need to complete a “Judgment and Order of Abatement and Forfeiture” and a “Complaint” to be presented with a copy of the case file to the Denver District Attorney’s Office, Property Confiscation Division.
 - 2. Detectives shall submit the forfeiture Affidavit to the Denver District Attorney’s Office, Property Confiscation Division, within twenty (20) days of the seizure of property, so as to enable the District Attorney to comply with the requirement for filing the case in court within sixty (60) days of seizure (the deadline runs from the seizure of the property, not the filing of the criminal case). The assigned detective shall send copies of ALL related paperwork with the forfeiture Affidavit, unless directed otherwise by the Denver District Attorney’s Office, Property Confiscation Division.
 - a. Property held as evidence may be exempted from this requirement; however, the Denver District Attorney’s Office, Property Confiscation Division, shall make this determination. This exception should not be relied upon due to the unpredictable timing of the conclusion of the criminal case.
 - b. The District Attorney should be notified immediately and provided a copy of the case and ownership information when real property may be a target of forfeiture, so that a “Notice of Seizure” may be filed with the Clerk and Recorder to prevent refinancing or sale of the property.
- e. Service of Process
 - 1. Each person with rights (or claim) to potentially forfeited property (generally those persons listed as defendants in the case caption) shall be served with a copy of the civil forfeiture case filing documents and an “Affidavit of Service” to be filled out and returned to the District Attorney’s Office, Property Confiscation Division. The District Attorney’s Office, Property Confiscation Division shall provide the assigned detective with the “Affidavit of Service” and packet of documents to be served. The assigned detective shall check to ensure each packet has complete copies of all of the documents listed on the “Affidavit of Service,” so the detective can testify, if necessary, that complete copies were served. Generally the documents include but are not limited to:
 - a. Summons
 - b. Complaint
 - c. Affidavit of the Detective (forfeiture Affidavit)
 - d. Motion for Temporary Restraining Order (if applicable)
 - e. Temporary Restraining Order (if applicable)
 - f. District Civil Case Cover Sheet for Initial Pleading of Complaint
 - 2. The assigned detective shall complete service to all named persons within thirty (30) days of receiving the “Affidavit of Service” packet from the Denver District Attorney’s Office, Property Confiscation Division. Services which cannot be timely completed due to vacation, reassignment, or other unavailability of the assigned detective shall be reassigned by a supervisor.
 - a. If service cannot be made, the assigned detective shall prepare an “Affidavit in Support of Petition for Service by Publication.” The affidavit will articulate the detective’s diligent, good faith efforts to locate and serve the named parties.
 - 1. In cases involving a defendant with a related criminal case, a detective shall not complete an “Affidavit in Support of Petition for Service by Publication” unless the defendant failed to appear at the criminal action.
 - 2. If the defendant’s first court appearance falls outside the thirty (30) day window for service, contact the Denver District Attorney’s Office, Property Confiscation Division for direction.
 - 3. If the criminal case is over, contact the defendant’s probation officer or correctional institution where defendant is an inmate to assist with completion of service
 - b. The “Affidavit in Support of Petition for Service by Publication” shall be forwarded to the Denver District Attorney’s Office, Property Confiscation Division within forty-five (45) days from the day the forfeiture case was filed (or fifteen (15) days from the original thirty (30) day deadline for service).
- f. Temporary Restraining Orders

1. In the absence of exigent circumstances where there is a compelling need to immediately close a property, defendants must be provided notice and an opportunity for a hearing before physically seizing a house or any other form of real property. The Denver District Attorney's Office, Property Confiscation Division shall make this determination.
2. The assigned detective shall coordinate with the Civil Division of the Denver Sheriff's Office to conduct the physical posting of the Temporary Restraining Order on the door(s) of said property.
 - a. Should the location be unoccupied, the assigned detective shall coordinate to have a locksmith allow officers entry.
 - b. If the property in question has been vacated by the defendant(s) or the location now contains a new, unrelated business, the Temporary Restraining Order posting is unnecessary as is the inventory search of the property. Notification shall be made immediately to the Denver District Attorney's Office, Property Confiscation Division in these instances.
3. The assigned detective shall read the Temporary Restraining Order thoroughly to determine exactly what the assigned detective can and cannot do.
 - a. Generally, the provisions of a Temporary Restraining Order allow for: posting the TRO on the premises, performing an inventory search of the property, placing currency and valuables into property and seizing evidence found in plain view.
4. Each named defendant at the location shall be served with a service packet and an "Affidavit of Service" to be completed and returned to the Denver District Attorney's Office, Property Confiscation Division. Defendants shall be advised they have ten (10) business days to request a hearing and twenty (20) business days to file an answer to the court; the defendants are not being evicted at the time of the Temporary Restraining Order service.
5. The assigned detective shall perform an inventory of the property, videotaping the contents of the property. Currency and valuable articles are to be placed into the Denver Police Property Bureau for safekeeping. The Temporary Restraining Order allows for the inventory of the entire property; thus evidentiary items discovered during the inventory may be seized.
 - a. Place all items recovered from the inventory search into them Denver Police Property Bureau with a copy of the Temporary Restraining Order. Report to the Denver District Attorney's Office, Property Confiscation Division any additional items seized.
 - b. A forfeiture Affidavit shall NOT be required for items seized during the service of the Temporary Restraining Order unless the assigned detective is instructed to do so by the Denver District Attorney's Office, Property Confiscation Division.

104.54 DELETED

104.55 Operational Planning

- (1) Policy:
It is the policy of the Denver Police Department that all tactical and covert operations be thoroughly planned and that those plans be documented and discussed with all personnel responsible for executing the plan.
- (2) Definitions:
 - a. Tactical Operation: Any high-risk operation that requires a coordinated effort by officers to accomplish a police objective by use of approved tactics. Tactical operations are typified by the use of uniformed personnel.
 - b. High-risk operations present an elevated risk to all participants and may require additional personnel or equipment to ensure the safety of all participants. Tactical operations are generally non-covert in nature.
- (3) High-Risk Plainclothes Operation: Any operation that requires officers to operate in a plainclothes or undercover capacity in order to accomplish a police objective.
- (4) Covert Operation: Investigations or police actions utilizing plainclothes officers and unmarked police cars to surreptitiously conduct surveillance gather evidence or apprehend persons under criminal investigation. Examples include but are not limited to: search warrant execution, controlled deliveries, surveillances which are intended to result in the arrest of dangerous persons, robbery stakeouts, property crime stakeouts, etc. Note: the approving command officer must make notification to the

affected Operations Bureau(s).

- a. Undercover Operation: An authorized clandestine criminal investigation involving the use of sworn officers, confidential informants, or other cooperating individuals, in an attempt to actively infiltrate or otherwise covertly gather information or evidence from an individual or group reasonably suspected of being involved in criminal activity. Examples include but are not limited to: “buy-bust” operations, reverse stings, controlled buys, and murder-for-hire investigations.
- (5) Non-Covert Operations: Investigations or operations utilizing uniformed personnel and marked police cars. Plainclothes personnel may also be utilized during a non-covert operation. The objective of this type of operation is to provide police services that require the coordination of a greater number of officers than would be required for a “routine” pre-planned response. Examples include but are not limited to: high-profile demonstrations, dignitary visits, large public gatherings, parades, festivals, and sporting events.
- (6) Operation Commander: The highest-ranking command officer having overall authority over the operation or event.
 - a. Operation Supervisor: The supervisor or command officer who conducts the Operational Briefing will be referred to as the Operation Supervisor
- (7) Duties and Responsibilities of Participating Personnel
 - a. Officer Responsibility
Officers who conduct investigations or operations that meet the definitions as described above will be required to complete an Operational Plan Briefing, DPD 567.
 - b. Supervisor Responsibility
Planning:
 - 1. The immediate supervisor of the officer drafting the operational plan shall review it in its entirety, ensuring that the plan is thorough, complete, and complies with the Operations Manual. During the course of the review process, the immediate supervisor shall discuss options and alternatives to the proposed plan. The safety of the participating officers, general public, and suspect(s) is of paramount importance and shall be considered during the review process.
 - 2. The operational plan will be a written synopsis of any type of plain-clothes, undercover, or high-risk operation where any undercover or cooperating informant is inserted into any location or event for the purpose of gathering information, intelligence, or evidence.
 - 3. The operational plan will include specific details of the operation and will include a brief description of the objective of the operation.
 - 4. In the absence of exigent circumstances, officers shall not engage in **any** undercover operation unless a lieutenant, acting lieutenant, or other command officer has reviewed and approved the request for such undercover operation, in writing, prior to the initiation of the undercover operation.
 - 5. In the absence of exigent circumstances, a command officer, before implementation, must approve all operational plans in writing. In the event that there is an immediate need for a tactical operation, i.e. any officer safety, or public safety issues where immediate response is required, a command officer approval is not required in advance, but must be obtained as soon as practicable.
 - 6. The immediate supervisor shall be tasked with conducting an Operational Briefing. The officer who drafted the operational plan will assist as needed during the briefing. The Immediate supervisor will assure that all participants are present and attentive at the briefing.
 - 7. The operational briefing will be a planning session of all members involved in the tactical operation. This briefing will include all pertinent information, which will enhance both the implementation and safety of the operation. It is imperative that all participating undercover officers be available for the briefing so that all team members are familiar with their appearance. The operational briefing will include all updated intelligence as well as objectives of the operation.
 - c. Execution:
 - 1. The Operation Supervisor will be charged with the overall responsibility of implementing and executing the operational plan. The Operation Supervisor will be in charge of the operation through its conclusion. The officer who drafted the plan will assist the Operation Supervisor. The Operation Supervisor will be in close proximity to the actual operation and will monitor all radio traffic regarding the operation.

2. The Operation Supervisor shall:
 - a. Authorize or cancel the operation, based on all available information and the provisions of Denver Police Department Policy.
 - b. Continually assess the risks and hazards involved in allowing the operation to continue, and make a decision to allow the operation to continue or order it terminated.
 - c. Communicate with the initiating officer throughout the course of the operation for the purpose of determining if the goals and objectives of the operation are being met.
 - d. Communicate with a member of the Denver District Attorney's Office and/or members of the City Attorney's Office for guidance as needed.
 - e. Nothing in this section precludes the Operation Commander or the undercover officer from canceling the operation at any time.
 - f. The Operation Supervisor will be tasked with drafting an After Action report detailing police actions taken in those operations that may draw media attention.
- d. Command Officer Responsibility:
 1. A command officer of the initiating officer will review and approve the Operational Plan Briefing, DPD 567. The command officer should address with the supervisor any areas of concern regarding the tactics that are planned. Other areas of concern include ensuring that there are sufficient personnel to conduct the operation, that the planned location and time of the operation provide the safest option available. Considerations regarding location and time of day include ensuring the operations are not planned around in-session schools or densely populated areas. Executing operations in isolated areas will ensure sufficient visibility to conduct the operation safely, etc.
 2. The command officer who reviews the completed Operational Briefing plan is responsible to notify all districts, bureaus, and units that have a need to know of the operation prior to its commencement. At a minimum an on-duty supervisor or command officer of the district where the operation is being conducted, Denver 911, and in the case of a narcotics operation or other high-risk tactical operations that may conflict with narcotics operations, the HIDTA Watch Notification Center will be notified.
 3. **Because the operational plans are solely for officer safety purposes the command officer of the initiating officer shall insure that all copies of the operational plan are destroyed upon completion of the tactical operation. The command officer shall send the original copy of the operational plan to the Civil Liability Bureau via email DPD-CLB@denvergov.org. Operational plans will be retained by the Civil Liability Bureau for a period of 5 years**
- e. Vice/Narcotics Operations:
 1. In those situations where the assistance of uniformed personnel will be needed, the Operation Supervisor will coordinate with a supervisor or command officer of the uniformed personnel.
 2. When uniformed officers request the assistance of the Vice/Drug Control Bureau, the following shall apply:
 - a. A Vice/Drug Control Bureau supervisor or command officer will have the responsibility to review all Vice or Drug-Related operations. Any concerns that become known will be addressed with the immediate supervisor of the officer who drafted/presented the plan for consideration. Operational plans will not be implemented until a consensus is reached.
 - b. The reviewing Vice/Drug Control Bureau supervisor or designee will confirm that a query has been made through the CLEIN system to ensure that the target of an operation is not under active investigation by another officer, agency or unit. This supervisor will also ensure that the HIDTA Watch Center has been notified.
 - c. All department personnel are required to notify the Vice/Drug Control Bureau regarding all Vice/Drug-related investigations prior to undertaking any enforcement/investigative action.
 - d. A Vice/Drug Control Bureau investigator or the officer's supervisor will accompany any officer conducting a drug enforcement-related knock and talk, unless an officer has received adequate training in narcotic investigations, as prescribed by the Deputy Chief of Operations. This does not prohibit officers from taking appropriate action for on-sight violations or those detected in the course of routine patrol. If the knock and talk is considered high-risk, an Operational Plan and Operational Briefing will be completed. See OMS 304.00

- a. Purpose:
The Denver Police Department recognizes that undercover operations are a necessary law enforcement tool. Furthermore, it is recognized that alcoholic beverages are sometimes required as a prop that is needed to complement the role of an undercover officer in a particular setting. More importantly, it may also be necessary to protect the safety of the undercover officer.
- b. Policy:
The on-duty consumption of alcoholic beverages shall be permitted **only** where it is absolutely necessary to maintain the officer's undercover status in an authorized covert investigation. A command officer must approve such consumption **in advance**. The approving supervisor or command officer will be present in the field during all such operations and ensure that the consumption of alcoholic beverages does not result in the officer's inability to perform official police duties.
- c. Training:
The Vice/Drug Control Bureau will provide training to officers and supervisors who may need to possess, purchase, or consume alcoholic beverages during the performance of their official duties. The training shall address department policy, officer safety, and specific techniques to minimize the consumption of alcoholic beverages by the undercover officer. **Officers are reminded of their requirement to adhere to OMS 304.00 regarding the notification of Vice/Drug Control Bureau personnel, prior to the commencement of any Vice/Drug related operation or investigation.**
- d. Consumption of Alcohol by an Undercover Officer
 - 1. The undercover officer must submit an operational plan to his/her command officer describing the investigation as required in the plan outline. The supervisor will review the operational plan for completeness, with an emphasis on operational soundness and officer safety concerns.
 - 2. The undercover officer will explain the necessity for consuming alcohol during the investigation. The command officer will consider the request and give authorization, if deemed necessary.
 - 3. The undercover officer(s) will be covered by a surveillance team. The operation supervisor will take into account the totality of the circumstances to determine the composition of this team. The members of this team shall not consume alcoholic beverages during the surveillance. The approving supervisor or command officer will be present during the operation and monitor the surveillance.
 - 4. The undercover officer(s) will not consume more than one (1) drink per hour nor more than three (3) drinks during any assigned duty shift.
 - 5. The supervisor or command officer will meet with the undercover officer(s) immediately following the undercover assignment to determine the officer's ability to continue work and/or to drive.
 - 6. Any undercover officer who has consumed any amount of alcohol during an on-duty shift will not be permitted to participate in any tactical operation. Tactical operations include, but are not limited to: "buy-bust operations, reverse sting operations, high risk entry search warrants, a 'knock & talk' consent search operation, or any operation where consumption of alcohol is determined to be a safety or liability concern.
 - 7. If the supervisor or command officer determines that the officer is unable to continue to work and/or drive, the officer will be transported to the office. If necessary, the officer will be transported to his/her residence at the conclusion of the shift.
 - 8. The supervisor or command officer will submit a report utilizing Inter-Departmental Correspondence, DPD 200, to the officer's commanding officer, outlining post-operation observations of the officer. A copy of the operational plan will be attached. The commanding officer will be responsible to maintain these forms for a period **not to exceed six (6) months**.
 - 9. Undercover officer(s) will use only official department funds to purchase evidence and alcoholic beverages. **Officers are not permitted to use personal funds or vehicles during undercover operations.**

104.56 TACTICAL EVENT DECONFLICTION POLICY – (Revised 05-2011)

(1) Purpose

The purpose of Tactical Event Deconflition is first and foremost, to ensure officer safety. Secondary to this is to prevent enforcement and/or investigative conflicts between law enforcement units, bureaus and other agencies. The goals are; to reduce duplication of effort, promote the exchange of information

crucial to multi-unit, multi-jurisdictional operations and investigations; and to coordinate units, bureaus and agencies with common interests. Tactical Event Deconfliction must be performed as part of Operational Planning, pursuant to DPD OMS 104.55 (Operations Planning). The purpose of this policy is to provide guidance for the Denver Police Department in the responsible and effective use of available software to insure safety during enforcement operations.

(2) General Principles:

- a. The Denver Police Department restricts the use of Tactical Event Deconfliction software applications to trained officers, detectives, supervisors and/or commanders.
- b. Keeping in mind the Denver Police Department's Mission, Vision, and Values, the principle objectives of Tactical Event Deconfliction include:
 1. Enhancing public safety in areas where the safety and security of our citizens are at risk;
 2. Preventing and deterring crime;
 3. Reducing the risk of operational and/or investigative conflict;
 4. Identifying criminal activity;
 5. Identifying suspects and gathering evidence;
 6. Documenting police actions to safeguard citizens and police officers;
 7. Improving the allocation and deployment of law enforcement resources.
- c. Tactical Event Deconfliction (through the use of RiSSafe) will be conducted with accepted legal concepts regarding privacy, and in a professional and ethical manner. Personnel involved in the use of RiSSafe use must be appropriately trained and supervised in the use of this application.
- d. Information obtained from Tactical Event Deconfliction RiSSafe use will be used exclusively for public safety and law enforcement purposes. Information in any form obtained through the use of the RiSSafe application will be handled according to accepted departmental procedures and legal rules governing the handling of evidence and criminal justice records. Dissemination of such information should be conducted in accordance with applicable departmental procedures, State, and Federal laws.

(3) Definitions:

- a. **Event Conflict:** A law enforcement event which occurs either at the same location, time, or has common suspects with another unit, bureau, or agency. These types of conflicting events often are unknown to the receiving jurisdiction.
- b. **Tactical Event Deconfliction:** The coordination of any number of law enforcement events, which may have the potential to involve conflicting times, geographic areas, or suspects. Also known as Event Deconfliction.
- c. **Law enforcement events needing Tactical Event Deconfliction:** Undercover operations to include but not limited to; controlled buys, reverse stings, controlled deliveries, arrest warrants, search warrants, consent searches, stationary surveillances, staging locations, mobile surveillance, clandestine lab site, undercover meetings, & storefront operations.
- d. **RiSSafe:** The Regional Information Sharing Systems (RISS) Tactical Deconfliction application. This program is administered through the local RISS Center – the Rocky Mountain Information Network (RMIN). RiSSafe software is a secure, permission based application. The RISS Program is funded by the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. RiSSafe was created by RISS to provide a national event Deconfliction service for law enforcement as officer safety is a key element in the information sharing environment.

This application has an intelligence module, however Denver Police Department officers are forbidden to populate those fields. RiSSafe shall only be used for Event Deconfliction.
- e. **RMIN:** The Rocky Mountain Information Network. RMIN is the regional RISS Center, supporting Colorado, Arizona, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming & portions of Canada.
- f. **RiSSafe Training PowerPoint:** The RiSSafe Tactical Event Deconfliction PowerPoint, accessed through the department's intranet page.
- g. **RISSafe Watch Center:** Staffed location where event Tactical Deconfliction can be telephonically relayed and entered into RiSSafe. This watch center is staffed 24 hours a day, seven days a week.
- h. **Combined Communications Center (CCC):** The Denver 911 call center, located at 950 Josephine St. Denver, CO.

(4) Procedure:

- a. There is always a risk that a number of events occurring within law enforcement will unintentionally

overlap between agencies or even within various units/bureaus of the same agency. The Deconfliction process itself is simple. An officer enters an event into the application either directly (as a remote user) or by calling the RiSSafe Watch Center.

Required Information to enter or inform personnel at the RiSSafe Watch Center:

1. Date and time frame of operation, target(s) names;
 2. Address of the operation, including zip code;
 3. Type of operation;
 4. Staging Location;
 5. Primary agency conducting the operation and any other participating agencies;
 6. Case agent's name and office phone, cellular phone number;
 7. Alternate point of contact, including office phone and cellular phone number;
 8. Specify the radius of event (a one-tenth to five mile)
- b. If no conflict is detected by RiSSafe, the information is stored in the application for the life of the event.
- c. If a conflict is detected, the application can electronically notify the involved parties (via email/text message) and in all cases the appropriate RiSSafe Watch Center will contact the involved parties (via phone) and advise them that a conflict has been detected.
- d. It is mandatory to additionally contact the Combined Communications Center (CCC) either by radio or telephone as to location(s), times, and officers involved for the law enforcement event. The reporting officer will inform the Combined Communications Center supervisor of the time and the location of the intended operation. The Combined Communications Center supervisor will ensure that officers who are dispatched to the area are not unnecessarily exposed to danger, while at the same time not jeopardizing the operation or the safety of the officers involved.

It is mandatory that officers keep the Combined Communications Center and the RiSSafe Watch Center informed of any changes that occur during the operation, such as times, locations, and spin-off operations.

Supervisors of the operation are required to insure that the Event Deconfliction has been accomplished; adjustments to the operation are communicated through RiSSafe and the Denver 911 call center and are documented on the Operational Plan.

104.57 DELETED

104.58 DELETED

104.59 Persons with Limited English Proficiency

- (1) **POLICY:**
All personnel will take reasonable steps to provide timely, effective access to all individuals in any encounters with the department regardless of their national origin or limited ability to speak, read, write, or understand English. In the delivery of public safety or related services, all personnel encountering persons with limited English proficiency will attempt to provide, or cause to be provided, free language assistance services.
- (2) **DEFINITIONS:**
Persons with Limited English Proficiency (LEP): LEP individuals do not speak English as their primary language, and have a limited ability to read, write, speak, or understand English.
Primary Language: This is an individual's native tongue or the language in which an individual most effectively communicates. Personnel should ascertain an individual's primary language to ensure effective communication.
Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
Translation: The replacement of written text from one language (source language) to an equivalent written text in another language (target language).
Bilingual: The ability to use two languages proficiently.

Relevant Documents: Forms and/or applications which are used by the public to conduct official business with the Denver Police Department. Relevant forms or form templates (available on designated computer drive) will be developed as deemed necessary for other languages represented within the City and County of Denver.

(3)

GENERAL PROCEDURES:

- a. Personnel who encounter a person with limited English proficiency (LEP) skills will take all necessary and appropriate steps, consistent with their obligations, to establish and maintain timely and effective communication.
- b. If appropriate and necessary, department members may use the stipulated language access services or the assistance of a Bilingual employee in identifying the language in question and furthering communication. See OMS 120.04.
- c. Some persons may prefer or request to use a family member or friend as an interpreter or translator; however, family members or friends will not be used as interpreters or translators unless specifically requested or approved by that individual. Barring exigent circumstances, personnel should refrain from using minor children to provide interpretation or translation services, and use the most reliable, temporary interpreter available.

(4)

INTERVIEWS AND/OR ARRESTS OF PERSONS WITH LIMITED ENGLISH PROFICIENCY:

- a. Miscommunication during interviews may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter/translator will be used for any interview or taking of a formal statement where the suspect's, witness' or victim's legal rights could be adversely impacted and the person has limited English proficiency.
- b. Miranda warnings, and other relevant documents (when possible), will be made available to the person with LEP skills in his or her primary language. In the case of a language into which relevant documents and/or forms have not been translated or in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using the appropriate interpretation services.
- c. Whenever an officer arrests an individual identified as a person with LEP skills, when practical they must ensure the individual has access to communication in their primary language, or upon custody transfer notify detention center personnel of the person's LEP skills. When possible and reasonable, an interpreter should be provided prior to a person with LEP skills being arrested; however, officers are not required to delay an arrest of a person with LEP skills solely on the lack of an interpreter. No interviews should be conducted without an interpreter present.
- d. When issuing a summons and complaint to a person with LEP skills, officers will ensure that the details of the summons and complaint are explained to the recipient in his or her primary language.



105.00 FORCE RELATED POLICIES

REVISED: 01/27/2019

PAGE: 1 OF 9

105.01 USE OF FORCE POLICY

(1) PURPOSE:

The Denver Police Department's objective is to deliver high quality public safety services. The department recognizes the value and sanctity of all human life and is committed to respecting and protecting the dignity, safety, and civil rights of community members, including the right to be free from inappropriate force.

Officers may, at times, be required to make forcible arrests, defend themselves or others, and overcome resistance. The department's goal for the protection of both officers and the community is that officers should attempt to use non-force alternatives, including de-escalation, when time and circumstances permit. When needed, officers must use only the amount of force reasonable and necessary under the totality of the circumstances to safely accomplish a lawful purpose.

The use of force, especially force likely to result in serious bodily injury or death, is a serious action. When deciding whether to use force, and in the application of force, officers will utilize the decision-making model and department policy. The authority to use force is an extraordinary power that must never be misused or abused.

Except for certain definitions, this policy does not reference specific Colorado state statutes or federal law, and instead details force parameters authorized by the Denver Police Department. This policy complies with or exceeds state and federal law requirements.

(2) DEFINITIONS:

Decision Making Model: Department personnel are guided by the DPD Decision Making Model referenced in OMS 101.01 and must ensure that any force they use is reasonable and necessary under the totality of the circumstances. The following definitions apply specifically to the use of force policy, see OMS 101.01 for a full description:

Authority: The legal authority or mandate to act.

Reasonable: Actions should be generally consistent with what a trained officer would do under similar circumstances.

Necessary: The intended action is required based on the circumstances and will only consist of the amount of force needed to safely accomplish a lawful purpose.

De-Escalation: Actions or verbal/non-verbal communication during a potential force encounter used to stabilize the situation and/or reduce the immediacy of the threat, so that more time, options, and resources are available for resolution without the use of force or with a reduced type of force, or reducing or ending a use of force after a resistance or threat has ceased or diminished.

Excited Delirium: A medical emergency in which a person develops extreme agitation, aggressiveness, overheating, and exceptional strength that cannot be managed by routine physical or medical techniques. This type of extreme exertion may result in sudden death.

Hand Control (arrest control techniques): Physical restraint (e.g., gripping, wristlocks, come-along holds, etc.) and non-impact pain compliance (i.e., joint manipulation and pressure point) techniques used to prevent or overcome resistance and/or assault to place someone in custody.

Immediate Danger: A situation in which an individual is taking direct action to cause death or serious bodily injury to an officer or third person.

Imminent Threat: When an individual has the means and ability to cause death or serious bodily injury to an officer or third party at any given moment. Imminent threat is ready to take place, impending, likely to happen or at the point of happening.

Inappropriate Force: Any force that is not reasonable and necessary under the totality of the circumstances.

Lethal Force: The application of force by firearm or any other means reasonably likely to result in death under the totality of the circumstances, regardless of whether that force resulted in death.

Patrol Dog: A canine that is trained and utilized to locate criminal subjects and apprehend if necessary.

Serious Bodily Injury: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage), or burns of the second or third degree.

Tactical and Control Options: Physical actions or maneuvers that are designed to increase the likelihood of safely handling a potential use of force situation while attempting to reduce the need for force or the amount of force necessary. This may include:

- Command presence
- Advisements
- Warnings
- Verbal persuasion and commands
- Time, distance, and cover (withdrawing to a position more tactically secure or which allows greater distance to consider or deploy a greater variety of force options)

Totality of the Circumstances: All of the facts and circumstances an officer knew, or reasonably should have known, without mere conjecture or speculation, at the time of the use of force, based upon a continual assessment of the situation, however rapid. This includes, but is not limited to, the seriousness of the threat of injury posed to the officer or other persons, the seriousness of the crime in question, and the officer's use of de-escalation techniques and/or tactical and control options, all viewed from the perspective of a reasonable officer.

Use of Force / Force: The Denver Police Department's standard requires that officers must use only the amount of force reasonable and necessary under the totality of the circumstances to safely accomplish a lawful purpose. Reasonable and necessary force is an objective standard, viewed from the perspective of a reasonable officer on the scene, without the benefit of hindsight.

(3) TYPES OF RESISTANCE:

The following types of resistance represent ways in which an individual indicates unwillingness to comply with an officer's orders, physically obstructs an officer's attempt to gain compliance, or physically attacks an officer or others: The authorized force response to the behavior(s) and/or resistance(s) listed below are illustrated on the Resistance and Response Chart.

- a. Psychological Intimidation: Non-verbal cues in attitude, appearance, demeanor, or posture that indicate an unwillingness to cooperate or comply, or threaten an officer or other person.
- b. Verbal Non-Compliance: Verbal responses indicating an unwillingness to comply with an officer's directions, or threaten to injure a person without the present ability to carry out the threat.
- c. Passive Resistance: Physical actions that do not prevent an officer's attempt to exercise control of a person or place them in custody. For example, a person who remains in a limp or prone position.

NOTE: Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance. Charging DRMC 38-31 Interference with police

authority (a) and/or (c) may be appropriate, depending on the circumstances.

- d. Defensive Resistance: Physical actions that attempt to prevent an officer's control, including flight or attempt to flee but do not involve attempts to harm the officer (includes "turtling," which involves a pronated individual pulling his or her arms and/or legs to their chest to prevent access and control by an officer).
- e. Active Aggression: An overt act or threat of an assault, coupled with the present ability to carry out the action, which reasonably indicates that an assault or injury to a person is likely.
- f. Aggravated Active Aggression: Lethal force encounter.

(4) FORCE GUIDING PRINCIPLES:

- a. Guidelines:
 - 1. Officers may be required to decisively intervene and/or use force.
 - 2. Officers will avoid demeanor and/or deliberate actions that precipitate the use of force. This includes tactical or strategic actions that intentionally jeopardize safety and/or hinder successful incident resolution.
 - 3. There are many reasons an individual may be unresponsive or resisting an arrest. It is possible that the individual's mental state may prevent him/her from comprehending the gravity of the situation, or he/she may not understand an officer's commands or actions, and it may not be a deliberate attempt to resist. If circumstances permit, officers should consider reasons why an individual is unresponsive and attempt to utilize tactics appropriate for a safe resolution.
A person's reasoning ability may be dramatically affected by several factors, including but not limited to:
 - Medical condition and/or mental impairment
 - Developmental disability and/or physical limitation
 - Language barrier
 - Drug/alcohol interaction and/or emotional crisis
 - b. Considerations:
 - 1. An officer's conduct or actions may influence the amount of force necessary in each situation.
 - 2. When reasonably possible:
Prior to using force, officers will identify themselves as a police officer, attempt to de-escalate, use tactical and control options, give commands to be followed, and afford the person a reasonable opportunity to comply. Utilizing these concepts and tactics can help officers maintain greater safety for themselves and others.
 - 3. When situations occur that involve an elevated risk of physical resistance or danger to officers, given time and circumstance, supervisors will respond to assist with successfully and safely resolving them.
 - 4. Force, or the threat of force, will not be used as a means of retaliation, punishment, or unlawful coercion.
 - 5. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, can create anxiety for the community, and may result in an accidental discharge of the firearm.
 - An officer's decision to draw or exhibit a firearm will be based on the tactical situation and the officer's reasonable belief there are indicators of a substantial risk that the situation may escalate to the point where lethal force may be necessary.
-

- When an officer has determined that the use of lethal force is not necessary, the officer will, as soon as practicable, holster his/her handgun or safely stow a long weapon.
- 6. Whenever an officer who is not CIT trained learns through his/her observations or otherwise that a person with whom the officer is dealing with may be mentally ill, developmentally disabled, or emotionally disturbed, the officer will, if circumstances reasonably permit, use de-escalation techniques and/or tactical and control options, and request that a CIT officer respond to the scene.
- c. **Inappropriate Force:**
The community expects, and the Denver Police Department requires, that its officers use only force that is reasonable and necessary under the totality of the circumstances.
 - 1. Force that is not reasonable and necessary under the totality of the circumstances will be deemed inappropriate force and officers will be subject to at a minimum, discipline for violation of any applicable department policies and/or rules and regulations, including but not necessarily limited to:
 - RR-305 Duty to Protect Prisoner
 - RR-306 Inappropriate Force
 - RR-310 Mistreatment of Prisoners/Suspects
 - 2. Duty to report:
 - a. An officer who witnesses inappropriate force by other law enforcement officers will report it immediately to a supervisory or command officer higher-ranking than the involved officer.
 - b. Failure to report inappropriate force is a violation of this Use of Force Policy and can be a violation of state law – CRS §18-8-802.
 - 3. Duty to intervene:
When reasonably possible, considering the totality of the circumstances, officers will act to intervene whenever they witness inappropriate force and/or mistreatment of arrestees, suspects, or other persons. Such action will include, but is not limited to, verbally intervening to stop the violation.
 - 4. Consultation with Internal Affairs Division:
Supervisors investigating a use of force incident with an indication of inappropriate force, or when an officer makes an allegation of inappropriate force, will contact the Internal Affairs Division for direction as soon as possible.

(5) FACTORS TO CONSIDER IN DETERMINING WHETHER TO USE FORCE AND ITS APPLICATION:

- a. Factors to consider include, but are not limited to:
 - 1. The opportunity to avoid (or reduce) the use of force necessary by attempting to safely use de-escalation techniques, the decision-making model, and/or tactical and control options.
 - 2. The severity of the crime under investigation.
 - 3. Whether the individual poses a threat to the safety of officer(s) or others.
 - 4. Whether the individual is actively resisting arrest or attempting to evade arrest by flight.
 - 5. Whether the individual has the means or capability to cause injury or death to an officer or another. This may include, but is not limited to, the individual's physical ability, size, age, strength, level of aggression, and any weapons in their immediate control.
 - 6. The proximity of weapons.
-

7. Environmental factors.
 8. Presence of persons who are likely to interfere.
 9. Availability of cover officers/additional resources.
 10. Individual's demonstrated mental state.
 11. Whether a person is unresponsive and the reasons for that unresponsiveness.
 12. The availability of tactical options to avoid using force or to reduce the force necessary.
 - b. This policy does not require that an officer attempt to select or exhaust each option before moving to another type of force.
 - c. It is the expectation of this department that when an individual is under control, either through the application of physical restraint or the individual's compliance, only the amount of force necessary to maintain control will be used.
 - d. Force/control options: (See Resistance and Response Chart)
 1. 40 mm Launcher
 2. Baton / Impact tools (strikes)
 3. CEW/TASER
 4. Chemical Munitions (aerosol and gas munitions)
 5. Command Presence
 6. Hand Control
 7. Lethal Force
 8. OPN / Baton (arrest control / pain compliance)
 9. Patrol Dog
 10. PepperBall® System
 11. Personal Body Weapons (hands, knees, elbows, feet)
 12. RIPP™ Restraint System
 13. Voice
 - e. Breathing impairment:
 1. Unless engaged in a lethal force encounter, officers will not:
 - Apply direct pressure to an individual's trachea or airway with the intention to reduce the intake of air (e.g., apply a chokehold).
 - Apply direct pressure to an individual's neck with the intention to restrict or slow the blood flow within the carotid arteries (carotid compression technique).
 2. When body weight is used in an attempt to control an individual who is resisting, officers will immediately cease applying body weight to an individual's back, head, neck, or abdomen once the individual is restrained.
 3. As soon as possible after an individual has been handcuffed, and his/her actions no longer place officers at risk of imminent injury, the individual should be turned onto his/her side or allowed to sit up. Officers will make all reasonable efforts to ensure that the individual is not left in a prone position.
 - f. Deadly weapons:

When confronted by an individual armed with a deadly weapon, including edged weapons, an officer will consider the totality of the circumstances, including:

 1. The individual's ability to carry out an immediate attack.
 2. The speed at which the incident/situation is evolving.
-

3. The availability of force options that may be reasonable and necessary.
4. When reasonable for the safety of officers and other persons in the vicinity, the use of tactical and control options.

(6) FORCE AND CONTROL OPTIONS – SEE OMS 105.02.

(7) LETHAL FORCE:

Officers may use lethal force when reasonable and necessary under the totality of the circumstances to defend themselves or third person(s) from what they reasonably believe to be the use of, or an imminent use of, lethal force.

- a. When reasonably possible, before engaging in its use, officers will identify themselves as a police officer, give the command he/she wants followed, and state his/her intention to shoot or apply lethal force.
- b. Denver police officers may not use lethal force as described by CRS §18-1-707 (2)(b) solely to effect an arrest, or to prevent the escape of a person unless that lethal force is reasonable and necessary under the totality of the circumstances to defend themselves or a third person(s) from what they reasonably believe to be *immediate danger* to human life.
- c. The use of lethal force against a person who presents a danger only to themselves is prohibited.

(8) DISCHARGE OF FIREARMS:

- a. When authorized:

The discharge of firearms must comply with applicable policies and procedures. A Denver police officer may engage in the lawful use of firearms under the following conditions:

1. In lethal force situations in strict compliance with circumstances described in section 105.01 (7).
2. In accordance with OMS 104.38, to kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical. A homicide detective must be called out if an officer kills an animal under such circumstances.
3. To participate in authorized training.
4. To participate in any authorized competition or legitimate sporting activity.

- b. Prohibited discharge:

Officers will not discharge firearms under the following conditions:

1. At another person, unless the circumstances are in compliance with OMS 105.01 (7).
2. Against persons who present a danger only to themselves.
3. Where there is likelihood of serious injury to persons other than the person to be apprehended.
4. As a warning or to command the attention of an individual(s).
5. Solely to protect property.
6. At a moving vehicle, except as permitted in OMS 105.01 (9).

(9) MOVING VEHICLES:

- a. Officers will exercise good judgment and not move into or remain in the path of a moving vehicle. Being in the path of a moving vehicle will not be the sole reason for discharging a firearm at the vehicle or any occupant. An officer in the path of a vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any occupant(s).
 - b. Occupant(s):
Firearms will not be discharged at anyone in a moving or fleeing vehicle unless lethal force is
-

being used by that person against a police officer or any other person present by means other than the moving vehicle.

c. Vehicles:

Firearms will not be discharged at a moving vehicle for the following reasons:

1. It may have very little effect on stopping the vehicle.
2. Inadvertently disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle and/or bystanders may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.

d. Vehicle Ramming Attack:

Firing at the driver of a moving vehicle or the moving vehicle itself when there is an apparent intent to inflict mass casualties may be reasonable and necessary.

(10) STOPPED / STATIONARY HIGH-RISK VEHICLE CONTACTS:

When reasonably possible, officers will use high-risk vehicle tactics after a pursuit or other high-risk vehicle stop or contact, and in such circumstances, are discouraged from immediately approaching a stopped/stationary vehicle. When circumstances permit, officers will use tactical control options to safely resolve the situation.

(11) RESPONSIBILITY TO PROVIDE MEDICAL ATTENTION:

- a. Officers are required to provide medical attention per OMS 116.06.
- b. Officers may not use physical force solely to stop a person from swallowing a substance or to retrieve evidence from the person's mouth. See OMS 116.06 (3).
- c. In-custody persons - general:
 1. Upon taking an individual into custody, arresting officers have the duty to exercise reasonable care for the arrestee's health and safety.
 2. Officers will advise responding medical personnel and personnel taking custody or having oversight of an arrestee/detainee, including at district stations, of:
 - Any observations that indicate the individual is possibly under the influence of alcohol, controlled substance(s), medical or emotional duress, suicidal, or displaying possible symptoms of excited delirium.
 - When the arrestee/detainee has been subjected to application of a less lethal weapon.
 3. Officers will advise personnel taking custody or having oversight of an arrestee/detainee, including at district stations, when medical personnel have evaluated the arrestee/detainee.
 4. Arrestees suffering from any illness, injury, or other condition that requires medical attention, including the ingestion of narcotics or other harmful substances, will be evaluated by medical personnel.
 - It is the policy of the Denver Sheriff Department to refuse custody of injured individuals, unless accompanied by reports indicating that they have been examined, treated, or have refused to submit to examination (or treatment) by medical personnel. Officers will notify detention personnel of the nature of force used when transferring custody of arrestees.
- d. Persons injured or claiming injury resulting from contact with a police officer:
 1. The involved officer will visually examine the person displaying or claiming injury, request medical attention, and immediately notify a supervisor whenever:
 - Injury results from force used by department personnel; or

- He/she is in contact with a person with obvious or alleged injuries who may claim they resulted from the contact with the officer; or
 - A person is subjected to a chemical agent, impact techniques, use of a CEW/TASER, PepperBall® system, or 40 mm launcher, or when restrained with a RIPP™ leg restraint.
2. Medical treatment at the scene is deemed the most appropriate response, though safety concerns may necessitate moving the individual to another location before treatment can occur. Medical personnel will determine whether further treatment is required.
 3. Only medical personnel will be allowed to remove probes from individuals shot with a CEW/TASER.

(12) DEATH, INJURY WHERE DEATH IS LIKELY, OR SERIOUS BODILY INJURY FOLLOWING THE APPLICATION OF FORCE:

Should an individual die, or suffer injury where death is likely, after a use of force or while in-custody of Denver police officers, the Major Crimes Division, the Internal Affairs Division, and other department entities will be notified per policy, and the scene will be processed as an in-custody death investigation – see OMS 301.14 (8).

- a. When serious bodily injury occurs, the supervisor investigating the use of force will notify the Internal Affairs Division.
- b. The Crisis Services Division will be notified and offer assistance.

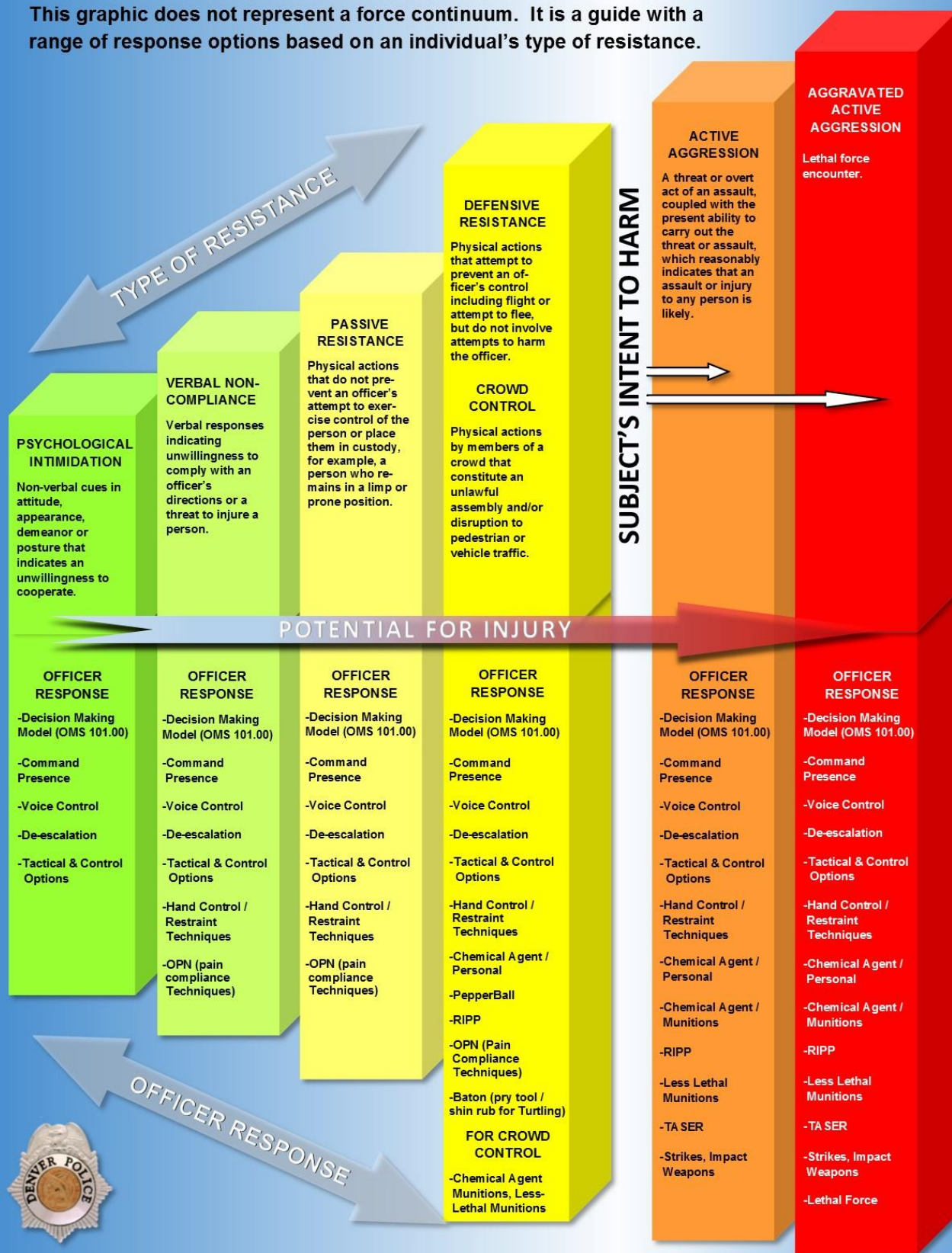
(13) USE OF FORCE REVIEW:

The Internal Affairs Division reviews all use of force reports with the exception of cases examined by the Use of Force Review Board.

- Depending on the type of force employed or injuries sustained, a use of force incident may be subject to review by the Use of Force Review Board, the Tactics Review Board, the District Attorney's Office, or other independent agencies as required by policy.

(14) RESISTANCE AND RESPONSE CHART – SEE NEXT PAGE.

This graphic does not represent a force continuum. It is a guide with a range of response options based on an individual's type of resistance.



OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



105.00 FORCE RELATED POLICIES

REVISED: 01/27/2019

PAGE: 1 OF 5

105.02 FORCE AND CONTROL OPTIONS

(1) **POLICY:**

In accordance with department policy and training, the Denver Police Department authorizes force and control options, including less lethal weapons. The use of less lethal weapons can in some situations avoid the need for greater amounts of force - including lethal force - may reduce injury, and may assist officers in protecting the public, themselves, and other officers. When applying force and control options, the initial application, and each subsequent application, must be individually reasonable and necessary under the totality of circumstances.

The DPD Arrest Control Techniques and Defensive Tactics (ACT) Manual is the guiding document for the most current methods and techniques of applying force. Regardless of any method or technique used, all force must be reasonable and necessary. There is neither a requirement, nor an expectation, that officers attempt to use or exhaust all force methods.

Force and control options designed and intended to be less lethal (in alphabetical order):

- 40 mm launcher
- Baton / Impact tools (strikes)
- CEW/TASER
- Chemical agents and munitions
- OPN / Baton (arrest control / pain compliance)
- PepperBall® system
- Personal body weapons (hands, knees, elbows, feet)
- RIPPTM leg restraint device

(2) **DEFINITIONS:**

40 mm launcher: Single round or multi-launcher that fires department approved and issued 40 mm specialty impact munitions (including 40 mm OC).

Authorized user: An officer trained and authorized by the department to use, handle, carry, and deploy the item referenced.

Baton / Impact tools: Authorized baton or OPN (when used as an impact tool) used to deliver strikes as a means of self-defense or the protection of others.

CEW/TASER: Conducted electrical weapon which uses an electrical signal to temporarily override the motor and sensory nervous system.

Chemical agents and munitions: Aerosol (duty belt carried) and gas munitions (fogger, grenade, PepperBall® system) used as a means of preventing or overcoming resistance, assault, or dispersal.

Less lethal force: Force application which meets an operational or tactical objective that is not intended to and has a reduced likelihood of causing death or serious bodily injury.

Less lethal weapon: A weapon (PepperBall® system, 40 mm launcher, CEW/TASER) which when used as designed and intended has less potential for causing death or serious bodily injury than police lethal weapons.

Orcutt Police Nunchaku (OPN): A device used for physical restraint through pain compliance and/or leverage, and self-defense through strikes and maintaining distance.

PepperBall® system: An air-powered launch device that deploys plastic sphere projectiles filled with

powdered Oleoresin Capsicum (OC).

Personal body weapons: Anatomical weapons (hands, knees, elbows, feet, etc.) used to deliver strikes as a means of self-defense or in the protection of others.

RIPP™ leg restraint device: A device used to temporarily restrain and/or immobilize the legs and lower body of an individual.

(3) GENERAL GUIDELINES – FORCE AND CONTROL OPTIONS:

Officers will use less lethal force and control options in accordance with department training and policy. Listed as follows are general guidelines.

a. **Baton / Impact tools:**

1. In response to Defensive Resistance, the baton / impact tool may be used only to apply come along, escort, or pain compliance techniques. A person who remains non-violent will not be intentionally struck with a baton / impact tool.
2. The minimum type of resistance for the application of a baton / impact tool or any other tool as an impact device is Active Aggression.
 - The head and neck will not be intentionally struck with a baton / impact tool unless the officer is using lethal force per OMS 105.01 (7).
 - Officers must be able to articulate how the use of any device or object as an impact weapon, other than those authorized, was reasonable and necessary and in compliance with the Use of Force policy.
 - Firearms are not an appropriate impact weapon because of the inherent danger of an accidental discharge.

b. **Chemical Agents and Munitions:**

1. The minimum type of resistance for application of a chemical agent or munition is Defensive Resistance. Deployment of any chemical agent or munition requires that the officer be an authorized user for that item. Chemical agents and munitions may provide an effective force option and may be used in the following situations:
 - To prevent injury to an officer or a third person.
 - To ward off an attack from a canine or any other animal.
 - To subdue an individual who is threatening or attempting suicide.
 - Against an individual resisting and/or interfering with an arrest.
 - To quell rioting/disperse unlawful crowds.
 - Any situation where the officer can clearly articulate the need for deployment.
 - NOTE: This does not include the 40 mm OC round – see section (4)
2. The use of a chemical agent or munition for crowd/riot control will be in accordance with the DPD Crowd Management Manual.

c. **OPN (arrest control / pain compliance):**

1. The minimum type of resistance required for application of an OPN as an arrest control device is Verbal Non-Compliance.
2. Only authorized users will carry and/or deploy this device.

d. **Personal body weapons:**

The minimum type of resistance for the application of personal body weapons is Active Aggression. Officers must articulate why empty-handed control was or would have been ineffective and personal body weapons were used.

e. **RIPP™ Leg Restraint Device:**

1. The RIPP™ leg restraint device is the only authorized system/method for immobilizing the legs and lower body of an individual. Only authorized users will carry and/or deploy this device. The RIPP™ leg restraint device is not to be attached to an arrestee's handcuffs and will be utilized and applied in accordance with the Arrest Control Manual.
2. The RIPP™ leg restraint device will only be used in situations where handcuffed individuals continue to be combative and still pose a threat to themselves or officers, or could cause significant damage to property, if not properly restrained.
3. After the RIPP™ leg restraint device is applied, officers will immediately roll the individual on his/her side and monitor them. If there are signs such as labored breathing and/or profuse sweating, officers should relax the tension of the leg restraint and/or consider removing the device. Once in a side-lying position, officers will not allow the individual to roll to a face down position.

(4) LESS LETHAL WEAPONS - DEPLOYMENT:

- a. Communication:
 1. When possible, officers and supervisors should strategize prior to deploying any less lethal weapon.
 2. When possible, officers should give clear and concise verbal commands to the individual prior to, during, and after the deployment of any less lethal weapon.
 3. Officers deploying a less lethal weapon usually will not perform any other duty, such as searching or handcuffing, until their less lethal weapon is safely holstered or stowed.
 - b. Restricted Areas:

Unless lethal force is reasonable and necessary, targeting the following areas with a less lethal weapon (point of aim) is prohibited:

 1. The head, eyes, throat, neck, breasts of a female, genitalia, or spinal column.
 2. At an open wound (when the officer has prior knowledge of the open wound).
 - c. General Prohibitions:
 1. Playful or malicious display, or intentional misuse of any less lethal weapon.
 2. To prevent an individual from swallowing evidence.
 3. Against any individual more susceptible to injury such as small children, disabled individuals, or the elderly, unless the officer can articulate the action(s) were reasonable and necessary under the totality of the circumstances.
 4. As a tool of punishment or unlawful coercion.
 5. Where its use will cause the individual to lose control of a motor vehicle unless officers can articulate compelling reasons.
 6. Against a pregnant female (when the officer has prior knowledge of the pregnancy).
 7. Against a handcuffed arrestee/detainee, unless the individual demonstrates an overt act of Aggravated Active Aggression and there was no reasonable alternative.
 8. To terminate a foot chase, unless the individual's actions rise to Active Aggression.
NOTE: The PepperBall® system only requires Defensive Resistance.
 - d. 40 mm launcher:
 1. Acceptable uses of a 40 mm launcher include:
 - To incapacitate, safely control, or take into custody an individual whose conduct rises to Active Aggression. Its use may become necessary when other force options would be inappropriate or ineffective, and it is reasonable and necessary under the totality of the circumstances to avoid having to use lethal force; or
-

- As less lethal intervention to prevent an officer or a third person from being seriously injured or killed; or
 - To incapacitate an individual who is threatening or attempting suicide.
 - 2. Preferred Point of Aim:
The 40 mm launcher should be aimed at areas of the body with large muscle mass.
 - 3. Unless lethal force is reasonable and necessary, an officer will not intentionally deploy the 40 mm launcher from a range of less than five (5) feet.
 - e. CEW/TASER:
 - 1. Acceptable uses:
 - To incapacitate, safely control, or take into custody an individual whose conduct rises to Active Aggression; or
 - To incapacitate an individual who is threatening or attempting suicide.
 - 2. Preferred Point of Aim:
 - The CEW/TASER should be aimed lower center mass, just below the sternum.
 - Probe strikes to any restricted area will be specifically noted in the Use of Force Report (DPD 12) and deploying officers will detail circumstances in their written statement.
 - 3. Application:
 - When a CEW/TASER is used, officers will deploy the device for one energy cycle (the default length of an energy cycle is when the trigger is pressed and released) and officers will reassess the situation. When reassessing, subsequent and continual energy cycles may not be effective against an individual; officers may have to consider other force options.
 - When reasonably possible, individuals should be taken into custody while experiencing neuromuscular incapacitation.
 - The drive/contact stun technique is discouraged as it generally only produces pain compliance. If used, officers should wait a reasonable amount of time between applications to discern if compliance has been gained.
 - Only the minimum number of energy cycles necessary to place the individual into custody will be used.
 - 4. The CEW/TASER will not be used:
 - In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present.
 - In any environment where an officer knows or should have known that the neuromuscular incapacitation could cause an injury more significant than intended.
 - f. PepperBall® system:
 - 1. Acceptable uses of the PepperBall® system may include:
 - To incapacitate, safely control, or take into custody an individual whose conduct rises to Defensive Resistance; or
 - When its use is likely to prevent an officer or a third person from being injured by an individual; or
 - To incapacitate an individual who is threatening or attempting suicide; or
 - When ordered by a field force commander or other command officer in crowd control or riot situations.
-

2. Preferred Point of Aim:

The PepperBall® system should be aimed lower center mass, just below the sternum.

(5) LESS LETHAL WEAPONS – AUTHORIZATION AND STORAGE:

a. Authorization – PepperBall® system and 40 mm launcher:

Only authorized users will display, carry, or deploy a PepperBall® system or 40 mm launcher. Selection of officers will be based on the following criteria:

1. Officers must be selected by their commanding officer and approved by their division chief to carry and use a PepperBall® system or 40 mm launcher.
2. Officers must successfully complete designated instruction and periodic qualification conducted by authorized less lethal instructors. The Training Division maintains the training curriculum and list of authorized users. Authorized users can also be identified within TeleStaff.
3. Violations of this policy may result in officers being removed as an authorized user and possible disciplinary action.

b. Authorization – CEW/TASER:

1. Designated officers will be issued a CEW/TASER and will retain possession of the device for the duration of their division/district assignment. When issued a CEW/TASER, on-duty uniformed officers and officers working uniformed secondary employment are required to carry it on their person, in an approved holster.
2. At designated operational assignments, CEW/TASERs will be issued to authorized users by an armory officer or supervisor at the beginning of each shift and returned at the end of the officer's shift to an armory officer or a supervisor. When issued a CEW/TASER, uniformed officers are required to carry it on their person, in an approved holster.
3. Prior to going in service, officers should conduct a spark test of their CEW/TASER (without cartridge loaded) to ensure it is firing properly. If the device does not fire properly, officers will notify their supervisor and the item will be removed from field service.
4. Officers will periodically inspect the manufacture date of their CEW/TASER and expiration date of their CEW/TASER cartridges (displayed on the bottom of the device or cartridge). Equipment at expiration or past five (5) years of life will be removed from field service and returned to the Less Lethal Coordinator at the Firearms Unit.

c. Storage and Handling:

1. Except for CEW/TASERS, all departmental less lethal weapons not deployed in the field will be maintained in a police facility, in a locked cabinet or room designed specifically for the secure storage of less lethal weapons.
 2. When not being carried on an officer's person, the CEW/TASER will be stored in a secure manner. Officers are not authorized to carry the CEW/TASER in their non-police capacity.
 3. The inventory of less lethal weapons will be completed per OMS 504.04.
-

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



105.00 FORCE RELATED POLICIES

REVISED: 01/27/2019

PAGE: 1 OF 6

105.03 REPORTING

(1) REQUIRED NOTIFICATION:

Officers will immediately report the following incidents to a supervisor or command officer:

a. Incidents involving a use of force:

These items are reported on a Use of Force Report (DPD 12)

1. An officer discharged a firearm other than in-training or for bona-fide recreational purpose.
2. An officer applies force through use of the following, regardless of whether an arrest is made, the individual dies, is injured, or complains of an injury:
 - 40 mm launcher
 - Any tool, object, or device used as an impact weapon
 - By any means reasonably likely to result in death under the totality of circumstances, regardless of whether the force, does in fact result in death.
 - Chemical agents and munitions
 - CEW/TASER
 - PepperBall® system
 - Patrol dog
 - Personal body weapons (hands, knees, elbows, feet)
 - Any vehicle pursuit that is terminated by forced-stop methods - See OMS 204.01.
3. An officer has an accidental discharge of a PepperBall® system, chemical agent or munition, 40 mm launcher, or CEW/TASER, other than in training, regardless if the discharge was in view of the public or if members of the public were affected.

b. Incidents NOT involving a use of force:

These items are reported on an Injury While in Custody – Injury Prior to Arrest/Contact (DPD 12i)

1. An individual claims injury, suffers an injury prior to arrest, or there is an injury/death while in custody and no force was used at any time during police contact.
2. A person is injured prior to arrest or contact, and circumstances indicate he/she is claiming or may claim the injury resulted from contact with an officer.
3. A person suffers a life-threatening injury or dies while in custody. See OMS 301.13 and OMS 301.14 (8).
4. An officer is assaulted, or an individual is charged with resistance and no force was used.
5. The RIPP™ leg restraint device was applied and no force was used.
6. An individual demonstrating symptoms of excited delirium was taken into custody and no force was used.

(2) SUPERVISORY INVESTIGATION:

a. Generally:

The supervisor or command officer will ensure that all sections of the operations manual and applicable Colorado Revised Statutes have been followed. The officer's supervisor or in his/her absence, another supervisor will respond to the scene and personally contact the officer

immediately after the incident. The supervisor will conduct an independent and thorough investigation.

1. The supervisor will interview witnesses and suspects, collect evidence, take photographs when appropriate, and when the situation involves a use of force, prepare the Supervisor's Use of Force Cover Sheet (DPD 770), carefully articulating the facts of the incident.
 2. Make every reasonable effort to identify and preserve video and/or still photos that may contain evidence relevant to the investigation, and document actions taken to obtain and preserve the evidence and/or the instruments that contain such evidence - See OMS 104.58 Search and Seizure of Electronic Recording Devices.
 3. If BWC footage is available, see OMS 119.04.
 4. When investigating a use of force incident involving deployment of the CEW/TASER, the supervisor must recover and place into the Property Management Section the CEW/TASER probes and some identification confetti. Data from the CEW/TASER will be downloaded into a computer file and the results will be documented as part of the use of force investigation.
 5. Supervisors and command officers will not investigate use of force incidents in which they are personally involved. It is preferable though not mandatory that the incident be investigated by their commanding officer, or an officer of higher rank.
 - Personally involved means participation in the use of force, hands on and/or actively directing force while it was being used.
 6. If at any point during a use of force investigation a supervisor has evidence of a law violation or inappropriate force, or it is a potential high-profile incident, he/she will at the earliest reasonable time contact the Internal Affairs Division for direction.
 7. In all cases where serious bodily injury occurs the investigating supervisor will ensure notification of the Internal Affairs Division. The Internal Affairs Division will assess and determine if their immediate response is necessary.
 8. Procedures for processing juveniles involved in a resistance incident are detailed in OMS 401.02 (10).
 9. With authorization of the Chief of Police (or designee), the multiple use of chemical munitions in response to Defensive Resistance during large-scale events may be documented with a single use of force report.
 10. If the involved employee is a member of the Denver Sheriff Department (DSD), a sheriff supervisor will be requested via Denver 911 to respond to the scene and complete required DSD reports. Denver police officers will assist with witnesses and/or statements as requested; however, the reporting requirements will be the responsibility of DSD personnel and they will follow their policies and procedures. Lethal force incidents and deputy involved shootings will be investigated by the DPD Major Crimes Division and the Internal Affairs Division will be notified.
 11. Officers off-duty / officers working Secondary Employment:
 - a. Off-duty officers who become involved in any use of force situation must report the circumstances to an on-duty command or supervisory officer within the district of occurrence as soon as the situation is stabilized. If it occurred outside the City and County of Denver, off-duty officers will report the use of force to the appropriate local law enforcement agency and notify their chain of command.
 - b. Off-duty officers who are working police secondary employment and become involved in any use of force situation must report the circumstances via police radio to an on-duty command or supervisory officer within the district of
-

- occurrence, or when applicable to a major event supervisor as soon as the situation is stabilized.
- c. An exception to reporting to an on-duty supervisor or command officer within the district of occurrence may be granted by the Chief of Police (or designee) for major events involving off-duty officers working secondary employment – police work. If an exception is granted, a supervisor or command officer working the event may fulfill the reporting requirements.
 - d. Supervisors or command officers who investigate any incident involving an officer engaged in secondary employment must verify in TeleStaff that the officer was approved for secondary employment and document the results in the Supervisor's Use of Force Cover Sheet (DPD 770).
- b. Required documentation:
1. Use of Force Report (DPD 12) – *completed by the primary involved officer, OR Injury While in Custody – Injury Prior to Arrest/Contact (DPD 12i) – completed by the supervisor.*
 2. Names and statements from all witnesses.
 3. Statements from all involved officers.
 4. Copy of the CAD report.
 5. Supervisor's Use of Force Cover Sheet (DPD 770) – *required only when reporting a use of force on a Use of Force Report (DPD 12).*
- c. Supervisor's Use of Force Cover Sheet (DPD 770):
- The investigating supervisor will complete this report, including:
1. Synopsis
 - Provide a brief and general description of the incident.
 - Describe the specific actions of each officer listed on the Use of Force report.
 - The brief synopsis should be no longer than one paragraph.
 2. Introduction

Explain the reasons for the contact to include the type of call or action (reasonable suspicion, probable cause, etc.).
 3. Investigation
 - Describe the supervisor's investigative actions to include contact with officers, witnesses, and suspect.
 - Describe the disposition of the suspect.
 - Review all statements for completeness.
 - Describe any evidence collected or observed.
 - Document activation of BWC and that it was reviewed. If it wasn't activated or reviewed, explain why.
 - Ensure a neighborhood survey was conducted.
 - Document any allegations of inappropriate force.
 4. Summary
 - Detail accusations and /or inconsistencies within statements and other evidence and provide supporting facts.
 - Articulate if injuries were consistent with the type, manner, and amount of force used.
-

- The supervisor's summary will not include any opinion or determination as to whether the action(s) of the officer(s) were reasonable or necessary, within or outside the scope of policy, or a potential law violation.

5. Recommendations

Supervisors are responsible for assessing use of force incidents and making a recommendation when they believe an additional investigation is necessary. Upon making this determination, supervisors will check the appropriate box on the Supervisor's Use of Force Cover Sheet (DPD 770).

- Potential law violations or inappropriate force:

If during the supervisor's investigation a potential law violation or inappropriate force is revealed, he/she will immediately contact the Internal Affairs Division for direction. If IAD does not initiate an immediate investigation the supervisor will recommend further investigation by checking the appropriate box on the Supervisor's Use of Force Cover Sheet (DPD 770).

- Other potential policy violations:

If the supervisor's completed investigation reveals potential policy violations, he/she may contact the Internal Affairs Division for direction. In such cases supervisors will also recommend that the incident be further investigated by the Internal Affairs Division by checking the appropriate box on the Supervisor's Use of Force Cover Sheet (DPD 770).

- Incomplete Information:

If following his/her completed investigation the investigating supervisor has other concerns, including but not limited to incomplete information or evidence, he/she may contact the Internal Affairs Division for direction. Supervisors may also recommend that the incident be further investigated by the Internal Affairs Division by checking the appropriate box on the Supervisor's Use of Force Cover Sheet (DPD 770).

d. Counseling:

When indicated and appropriate, supervisors will counsel officers in methods to better handle future situations to avoid or minimize the use of force.

(3) OFFICER RESPONSIBILITIES:

The primary involved officer will prepare a Use of Force Report (DPD 12) carefully articulating the facts of the incident. The report will include:

- a. An accurate description of the incident using the coded tables and text boxes; and
- b. Names of all involved officers, subjects, and witnesses. Additional forms will be used as continuation pages; and
- c. A brief narrative of the significant facts which are not listed on the front of the form; and
- d. Documentation of medical examinations by paramedics or other responding medical personnel. This documentation will also be included on the Unified Summons and Complaint (US&C) or arrest reports, if any.
- e. All involved officers will complete a detailed statement describing their actions and observations.

(4) REPORTING WHEN AN IN-CUSTODY DEATH OCCURS:

When an in-custody death occurs (regardless of whether force was used), the narrative will indicate that "Officer(s) came in contact with the subject who later died - See homicide report."

(5) ASSAULT ON A PEACE OFFICER:

In any case of an assault on a peace officer, reporting officers will create a General Occurrence (GO) report titled "Investigation of Assault". When creating the GO report, the suspect should not be

charged with resistance or any additional charges. For more information, see OMS 310.00.

- NOTE: When direct filing (DRMC 38-93 Assault) on a Unified Summons and Complaint (US&C), all additional charges (e.g., resistance, etc.) will be included.

(6) REPORT DISTRIBUTION:

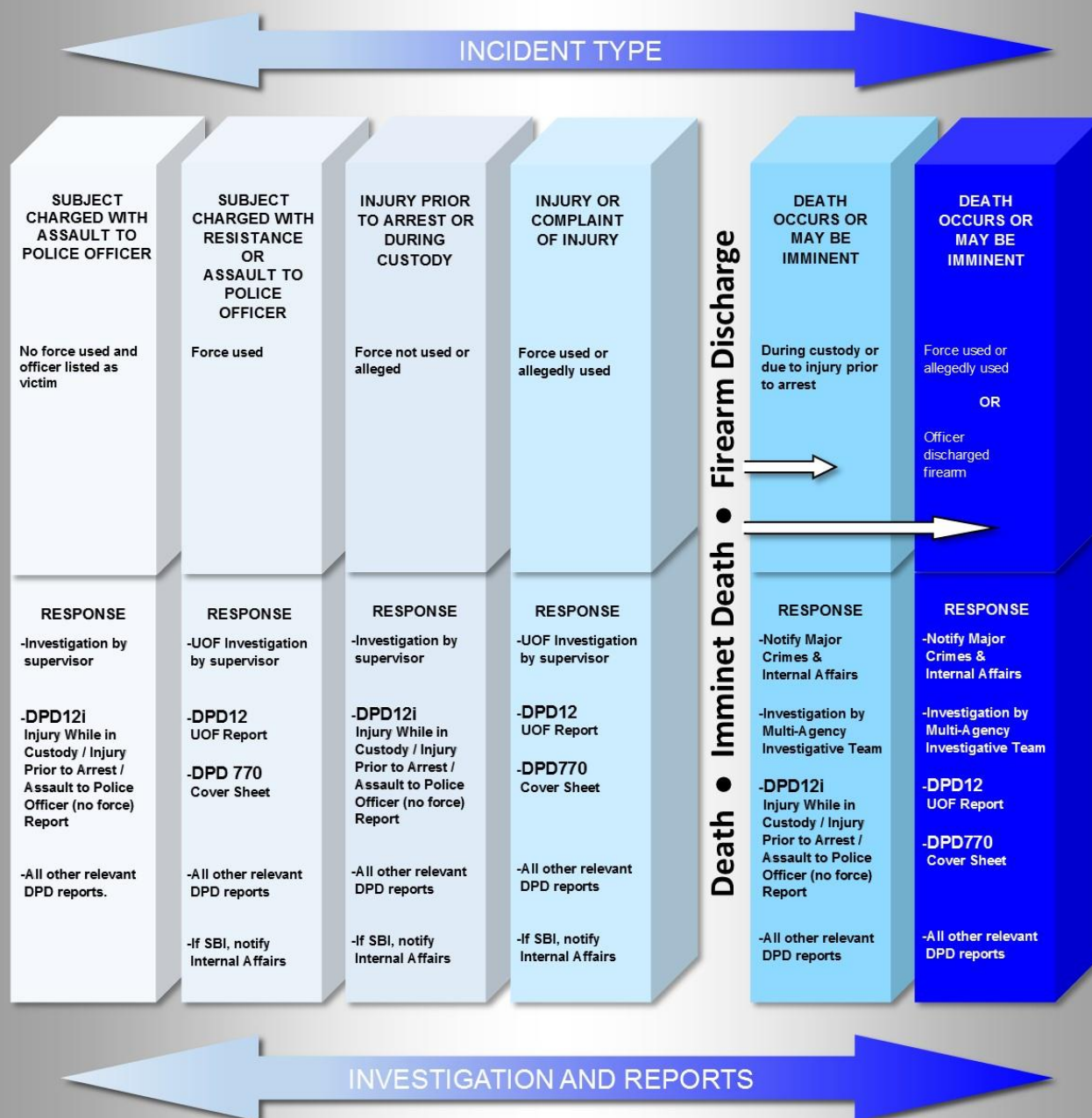
The Use of Force Report (DPD 12) or Injury While in Custody – Injury Prior to Arrest/Contact (DPD 12i) will be promptly distributed by the supervisor as follows:

- The original report (DPD 12 or 12i), along with all original statements, copies of other reports and photos, will be forwarded to the Internal Affairs Division in a sealed envelope. The Internal Affairs Division will review all investigative packets received.
- One copy of the investigative packet will be forwarded to the officer's division chief.
- One copy of the investigative packet will be forwarded to the officer's division/district commander and lieutenant or section commanding officer (depending on assignment) through the chain of command.

(7) USE OF FORCE REPORTING CHART – SEE NEXT PAGE.

**REPORTING USE OF FORCE, RESISTANCE, ASSAULT TO POLICE OFFICER,
INJURY PRIOR TO ARREST, AND INJURY/DEATH WHILE IN CUSTODY**

This graphic provides a general response guide based on circumstances.
More detailed information is found in policy.





105.00 FORCE RELATED POLICIES

REVISED: 01/27/2019

PAGE: 1 OF 4

105.04 SHOOTING BY AND/OR OF POLICE OFFICERS

(1) POLICY:

When any law enforcement officer (regardless of agency or department) discharges a firearm in the City and County of Denver at a person (regardless of whether death or injury occurs) there will be an immediate emergency and investigative response. These procedures also apply when investigating the death or serious injury of a law enforcement officer.

(2) DENVER 911 NOTIFICATION:

Denver police officers involved in or becoming aware of any police shooting will immediately notify the police dispatcher via police radio. Officers will ensure that any critical information affecting the safety of responding officers and the public is communicated via police radio so that all affected personnel may monitor and react accordingly.

- When communicating additional or sensitive information, officers may request an I-call to reduce the number of persons monitoring the broadcast information.
- Denver 911 records all radio and telephone conversations and provides them upon request for use in an investigation.
- It is the responsibility of the Denver 911 Center to notify the appropriate resources, divisions, and personnel in accordance with their protocols.

(3) PROCEDURES WHEN HANDLING PERSON / OFFICER WOUNDED BY GUNFIRE:

- a. Once it is safe to approach the suspect, officers will handcuff, search the individual thoroughly and take control of any weapon(s) within their immediate vicinity. When the suspect poses no further risk to officers or bystanders, officers will remove the handcuffs and when appropriate, they should render first aid to their level of training without any unreasonable delay.
- b. If safety allows, weapons should be maintained where they are found and handled as little as possible. Gloves (latex or suitable substitute with the same qualities) will be used to handle the weapon(s) to protect any evidentiary value. If there is a need to render the weapon safe, all rounds must be accounted for and collected as evidence. Officers will ensure the chain of custody and security of the weapon is established and maintained.
- c. If any possibility of life exists, ensure transport of the individual/officer to a hospital without delay.
- d. One officer should accompany the victim (dead or alive) to the hospital and should note any statements made, take possession of clothing or other evidence, and protect personal property.
- e. The Denver Sheriff Department will be notified when placing a hold order on any individual.
- f. If the victim is a law enforcement officer, notify his/her commanding officer who will arrange for an officer guard. See OMS 505.10 (5).

(4) RESPONSIBILITIES OF RANKING OFFICER AT THE SCENE OF A POLICE SHOOTING INCLUDE, BUT ARE NOT LIMITED TO:

- a. Protect the crime scene per OMS 301.01.
 - b. Determine what occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, ask the involved officer for general information that will indicate the area to protect and the evidence sought.
 - c. Ensure that officers identify, separate, and obtain written statements from all civilian witnesses. The investigative team will review all statements and determine the need for additional detail or recording of the statement. The investigative team will obtain statements from all officer witnesses.
-

- d. Ensure that the involved officer maintains his/her firearm in its condition at the conclusion of the shooting event, making no changes to the firearm except to render it safe and holster his/her handgun or safely stow a long weapon.
 - 1. Empty magazines, spent shell casings, etc., will remain where deposited. The Crime Scene Unit will document and collect these items during crime scene processing.
 - 2. The involved officer will maintain custody of his/her firearm until relinquished to Forensics and Evidence Division personnel, who will arrange to loan the officer a replacement firearm. An investigating officer from the Homicide Unit will document this transfer. Once tested, only the assigned Homicide Unit detective or a Homicide Unit supervisory officer will release the officer's firearm.
- e. Assign a supervisory officer to sequester and transport the involved officer to headquarters and remain with him/her until relieved. Officers and supervisors will not review the officer's BWC video.
 - Only individuals assigned to the multi-agency investigative team, the officer's commander and division chief, the Deputy Chief of Police, the Chief of Police, the officer's attorney, and the Denver District Attorney or a deputy district attorney may have access to the officer while sequestered. The Commander of the Major Crimes Division, the Division Chief of Investigations, the Deputy Chief of Police, or the Chief of Police must approve all other access.
- f. Provide the dispatcher and responding investigative team with all available information.
- g. Assist and follow the directions of the senior member of the Major Crimes Division in compliance with OMS Duties and Responsibilities 9.04.
- h. Assign an officer to complete a General Occurrence report (GO).
 - 1. When an officer discharges his/her firearm and wounds a suspect or other person the title will be "SHOOTING BY A PEACE OFFICER."
 - 2. When a suspect shoots and wounds an officer, the title will be "ASSAULT ON A PEACE OFFICER."
 - 3. When the shooting results in the death of any person/officer, the title is "HOMICIDE."
 - 4. When an officer discharges a firearm causing injury or death, any individual struck by gunfire is reported as the victim and the involved officer as the person reporting.
 - 5. Officers will leave the suspect section blank and keep the narrative section brief.
- i. In consultation with the command officer in charge of the investigation, complete an After Action Report (DPD 286), routing copies as appropriate including the Homicide Unit and elsewhere as required. Attach a copy of that day's personnel detail(s) for all districts and other units whose personnel covered the scene.
- j. Ensure completion of a Use of Force Report (DPD 12) in accordance with OMS 105.03:
 - 1. Use the front of the form to report the appropriate information. The narrative on the reverse side may indicate, "See After Action report."
 - 2. Attach a copy of the After Action report to the Use of Force report. Forward the original Use of Force report to the Internal Affairs Division, with one copy to the affected division commanders and division chiefs, and one copy to the Deputy Chief of Police.
- k. Ensure that ALL employees who respond to the scene, or assist in any way, submit individual statements detailing their duties and observations to the investigative team prior to going off duty.

(5) MULTI-AGENCY JOINT INVESTIGATION:

The investigation, evaluation, and review of an in-custody death or shooting by or of a peace officer, is a joint endeavor between the Denver Police Department, the Aurora Police Department, and the Denver District Attorney's Office (multi-agency investigative team). In addition, if an officer intentionally fires his/her weapon, regardless of whether a person is struck, the multi-agency investigative team will investigate and

review the incident. The Commander of the Major Crimes Division (or designee) is in command of the investigation into incidents occurring within the City and County of Denver. The Major Crimes Division, as part of a multi-agency investigative team, will assist the Aurora Police Department with investigations of officer-involved shootings occurring within their jurisdiction.

All appropriate investigative methods, techniques, protocols, and reporting, including but not limited to the following, will be employed:

- a. Completely process and document the crime scene using diagrams, photographs, and video recordings in accordance with crime scene protocols outlined in OMS 301.01.
- b. Investigating officers will document statements as soon as practical following the shooting. Methods of documentation include those written, audio recorded, or video recorded at the discretion of the investigative command officer in consultation with the Denver District Attorney's Office.
- c. The officer(s) involved in the shooting may have an attorney present for legal assistance. Investigating officers will advise the involved officer in accordance with the Officer Advisement in Police Shootings form (DPD 759).
 - The Miranda Warning, Internal Affairs Division Garrity Advisement, or ordered statements under City Charter 42-30, will generally not occur unless evidence supporting a crime or serious department rule violation exists.
- d. The Division Chief of Administration (or designee) will act as a liaison for the Office of the Independent Monitor (OIM) during the investigation of officer incidents involving members of the Denver Police Department, Denver Sheriff Department, and the Denver Fire Department's certified arson investigators.
 - The Internal Affairs Division will participate in the investigation only at the request of the Commander of the Major Crimes Division (or designee), the Division Chief of Investigations, the Deputy Chief of Police, or the Chief of Police. This participation only involves cases where there is information or evidence of a crime or serious rule violation.
- e. All media inquiries will be managed by the communications director in consultation with the Commander of the Major Crimes Division (or designee).
- f. The decision to file criminal charges for police shooting cases is solely the responsibility of the district attorney's office having jurisdiction.
 - The Denver District Attorney will inform the Chief of Police, in writing, of the decision following the completion of the criminal investigation and a thorough review of the case.
- g. The Executive Director of Safety is responsible for the final administrative review of police shooting incidents.

(6) CONSIDERATIONS FOR AN INVOLVED OFFICER FOLLOWING INVESTIGATION OF A POLICE SHOOTING/CRITICAL INCIDENT:

- a. When death occurs, the officer will be removed from any line duty assignment, pending the results of an administrative review.
- b. When death results from any officer involved use of force, an in-custody death, or death which occurred as a direct result of police action, and the Major Crimes Division investigates the occurrence as a critical incident, the following will occur:
 1. The Commander of the Major Crimes Division will contact Police Psychological Services and provide the name and phone number of involved officers. Police Psychological Services will contact the officer(s) and schedule an appointment.

- Absolute confidentiality exists, and the officer(s) has the option of not discussing anything he/she does not wish to with Psychological Services.
- c. The division/district commander (or designee) of personnel involved in a shooting incident will notify the officers of the above provisions. If after two days, Psychological Services has not been able to contact the officer, Psychological Services will notify the Commander of the Major Crimes Division who will provide for such arrangements. No other exchange of information will occur before the appointment without the express written consent of the officer.



105.00 FORCE RELATED POLICIES

REVISED: 01/27/2019

PAGE: 1 OF 3

105.05 USE OF FORCE REVIEW BOARD

(1) USE OF FORCE BOARD PROCEDURES:

The Chief of Police has established a Use of Force Review Board which will examine all incidents where serious bodily injury or death results from any officer-involved use of force, all firearm discharges by active members of the department, except those incidents described in OMS 105.01(8) a. 2-4 and any in-custody death or any incident as directed by the Chief of Police. The Board is investigative in nature and is responsible for making recommendations on administrative matters, internal affairs investigations, department policy modifications, training, and commendations as they relate to use of force incidents.

a. Case Review:

1. The review of any case where a person has been injured or killed will be scheduled after the completion of the criminal investigation and the Chief of Police has received a written decision letter from the involved district attorney's office clearing the officer(s) and/or stating that the criminal process has concluded.
2. The review of non-injury firearm discharges will be scheduled after a final report on the incident has been completed.
3. The Division Chief of Administration (or designee) is responsible for notifying the Use of Force Board that a case is ready for review.

b. Case Presentation:

1. Use of Force Board meetings are held in closed sessions, with attendance limited to persons designated by the Chief of Police, or the Commander of the Conduct Review Board.
2. Case facts will be presented to the Board by an officer designated by the Division Chief of Administration (or designee). If a case involves a death, a Homicide Unit supervisor may make the presentation.
3. During presentation of the case, the involved officer(s) may have an observer present who was not involved in the incident under review, including witness testimony, but not during any Use of Force Board deliberations. The observer will not participate in any Use of Force Board proceedings.

c. Case Referral:

The Board is empowered to classify a case as in or out of policy, and:

- May refer a case to the involved officer's commander for consideration of a commendation.
- May refer a case to the Tactics Review Board.

(2) USE OF FORCE BOARD AUTHORITY:

The Use of Force Board is authorized to take all appropriate steps in its review of firearm discharges and use of force incidents, including, but not limited to the actions listed below.

a. The Use of Force Board:

1. Will have access to all reports, photographs, video tapes, statements, and other documents relating to the incident.
 2. Is empowered to call any officer witnesses needed to provide further clarification.
 3. May invite any civilian witnesses needed to provide further clarification.
 4. May direct that an additional investigation be conducted of the incident under review.
-

5. Must give the involved officer the opportunity to testify before the Board prior to an administrative case filing for violation of department rules and regulations, although the officer is not required to attend the hearing. If the involved officer(s) decides not to attend the hearing, the hearing will be held in his/her absence.

(3) USE OF FORCE BOARD RESPONSIBILITIES:

Following a full review of a use of force incident, the Use of Force Board Chair will ensure the following actions are taken on behalf of the Board:

- a. Cases Requiring Further Investigation: The Use of Force Board will document areas of where additional information is requested and forward its request to the Division Chief of Administration. The Internal Affairs Division is responsible for gathering the requested information and once the information is obtained, the case will be resubmitted to the Use of Force Review Board.
- b. No Policy Violation: If the Use of Force Board has concluded that no departmental policy, procedure, rule or regulation has been violated, the Chief of Police will be notified of this finding in writing. Copies of this notification will be provided to the involved officer and his/her commander. One (1) copy will be placed in the involved officer's Internal Affairs Division file to be maintained per the records retention schedule.
- c. Policy Violation: If the Use of Force Board concludes that any departmental policy, procedure, rule, or regulation appears to have been violated, the Chief of Police will be notified of this finding in writing. The incident will then be referred to IAD which will then conduct any additional investigation determined to be necessary and forward the same to the Conduct Review Division in accordance with department policy. As in all other disciplinary matters, final authority and responsibility for disciplinary action rests with the Chief of Police and/or the Executive Director of Safety.
- d. Tactics Review: If there is a question regarding tactics used in the incident, the Use of Force Board may forward the case to the Tactics Review Board for an opinion. Any recommendations made by the Tactics Review Board regarding additional training or policy changes will be forwarded to the IAD/Conduct Review and/or the Chief of Police.
- e. Policy or Training Modification: The Use of Force Board may also make recommendations to the Chief of Police for any modification of department policy or training.
- f. Commendation Recommendation: The Use of Force Board may recommend that the involved officer(s) be considered for a commendation. If supported, the involved officers' commander (or designee) will be responsible for submitting a formal request to the Commendations Board per OMS 503.03.

(4) USE OF FORCE BOARD RECORDS AND MEETINGS:

All meetings and records of the Use of Force Board are confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.

- a. Confidentiality extends to the Use of Force Board members, officer's representative, officer's commander, advisory witnesses, and any other persons attending a Use of Force Board meeting.
- b. After the Use of Force Board has made its findings and recommendation, all persons who participated in the Use of Force review will immediately return all records they received regarding the incident. The Internal Affairs Division will collect and retain all records of the Use of Force Review Board.
- c. In accordance with OMS 105.05 (1) a., within a reasonable time after the final report of an applicable use of force, an IAD staff member designated by the Internal Affairs Division Commander, in consultation with the Use of Force Board Chair, will determine the date and time of the meeting and will notify Board members.

(5) BOARD MEMBERSHIP:

- a. The commanding officer of the Conduct Review Division is the non-voting Use of Force Board
-

Chair. Their responsibility to the Board includes:

1. Casting the deciding vote in the event of a tie.
 2. Gathering any reports as needed. This may be delegated to an IAD staff member.
 3. Processing decisions and recommendations of the Use of Force Board.
 4. Selecting a member of the department who has expertise in police tactics to serve as a non-voting advisory member of the Board.
- b. The voting membership of the Use of Force Review Board will be comprised of the following:
1. Commander of the Major Crimes Division.
 2. One (1) DPD commander – designated on a rotational basis.
 3. Two (2) community members selected and trained by the department.
 4. One (1) member from another Colorado law enforcement agency (per CRS 16-2.5-301(1)). The Chief of Police (or designee) will select the partnering agency.
- c. Use of Force Board findings will be by majority rule.
- d. Community Board Members
1. These individuals must have received training as designated by the Chief of Police, which at a minimum will include instruction in:
 - The Denver Police Department Use of Force Policy - OMS 105.01 and 105.02.
 - Hands-on training on all forms of the department's less-lethal alternatives
 - Overview of the Crisis Intervention Team (CIT) program
 - Overview of firearms training and policy
 2. These individuals will be rotated through the pool of qualified candidates and the Commander of the Conduct Review Division will make the assignments at the discretion of the Chief of Police.
- e. Advisory Witnesses:
- The Use of Force Board Chair may call upon advisory witnesses as necessary. These may include an assistant city attorney, the supervisor of the Firearms Unit, the department Less Lethal Coordinator, or the commanding officer of the Training Division.
- f. Additional Attendees:
1. The involved officer's division, district or section commander, and division chief may be present for the hearing but may not cast a vote.
 2. Other persons may only be present at the discretion of the Chief of Police or the Commander of the Conduct Review Division.

(6) APPOINTMENT OF TEMPORARY MEMBERS:

Should any member of the Use of Force Review Board recognize a conflict of interest on an individual case or be unavailable to attend a meeting for any reason, the member will be excused, and a temporary replacement will be appointed by the Chief of Police or the Commander of the Conduct Review Division.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



106.00 EVIDENCE AND PERSONAL PROPERTY

REVISED: 08/20/2019

PAGE: 1 OF 19

106.01 EVIDENCE AND PROPERTY SECTION PROCEDURES

(1) GENERAL GUIDELINES:

The Evidence and Property Section is open 24-hours each day, every day of the year, for the purpose of receiving personal and evidentiary property coming into the possession of any officer or agent of the Denver Police Department, with these exceptions:

- a. Documents of evidentiary value related to check/fraud cases will be delivered directly to the Fraud Unit or to the secured lock box located in the Evidence and Property Section.
- b. Counterfeit and/or altered U.S. currency should be mailed directly to the U.S. Secret Service; however, counterfeit currency held for evidence for criminal state forgery charges filed by the Fraud Unit may be secured in the Fraud Unit's locked evidence box. See OMS 301.24
- c. Found license plates that have no evidentiary value will be taken directly to Traffic Operations or to the Records Unit for disposition.
- d. Hazardous, flammable, or noxious chemicals will be handled by the Denver Fire Department's Hazardous Material Response Team. See OMS 206.01
- e. Any potentially explosive evidence, including vehicle air bags, will require notification of the Denver Police Department Bomb Squad for handling. Potentially explosive evidence, including vehicle air bags, will not be stored in the Evidence and Property Section.
- f. Impounded bicycles will be temporarily stored at a district station when the Pawnshop/Bicycle Unit is closed.
- g. Very large items or a large quantity of property may be photographed, fingerprinted and examined for all reasonable and relevant DNA evidence by Crime Lab personnel at the scene. In lieu of recovering very large items, Crime Lab personnel will collect sections or samples from the item that may contain the relevant DNA evidence. The property can then be released to the owner or another responsible person without being brought to the Evidence and Property Section.
 1. A member of the affected investigative division, section, or unit must respond to the scene to evaluate the validity of this request. The Denver District Attorney's office must be consulted and agree to this handling of the evidence.
 2. The name, DOB, address, and form of identification presented by the person accepting the property will be noted on the officer's log sheet. This information will be included in any letter sent to the investigative unit assigned to the case.
- h. Bedbugs and storage:
 1. Evidence and personal property should be carefully checked for signs of bedbugs. Black/brown spots (dried blood or feces), white spots (eggs are very hard to see), or alive or dead bedbugs. Officers coming into contact with bedbugs or responding to locations with a known bedbug infestation should launder personal clothing as soon as possible in hot water to prevent further infestation.
 2. Preventing the spread of bedbugs at the Evidence and Property Section:
 - Seal all seams of the evidence paper bag or box with tape. Do not store in plastic as this could destroy potential DNA evidence.
 - Mark the evidence as follows:
Caution: May Contain Bedbugs

Freeze (-20°C) for a minimum of 72 hours

(2) PROPERTY/EVIDENCE SUBMISSION:

Officers will deliver all evidence, personal and/or found property to the Evidence and Property Section, or to an authorized remote evidence locker located at select district stations, at the earliest possible time before the end of their shift.

- a. Evidence and Property Section personnel will not respond to any scene for the purpose of picking up property or evidence to be stored in the Evidence and Property Section. Officers may contact the Evidence and Property Section for a large transport vehicle whenever a large amount of property must be stored.
- b. Officers submitting property to the Evidence and Property Section are responsible for completing all required documentation. Required documentation may include the following items:
 - Invoice and Receipt (DPD 122)
 - Property Owner's Notification Card (DPD 351)
 - Request for Laboratory Examination (DPD 341)
 - Personal property or evidence tags (DPD 309)
 - Personal property/evidence envelopes or bags (DPD 23)
- c. Evidence and Property Section personnel may refuse to accept any evidence and/or property for which the required documentation has not been completed.
- d. Officers will not use the inter-departmental mail to submit any evidence, found or personal property to the Evidence and Property Section, except for identification cards, driver licenses, or keys as defined in OMS 106.02.

(3) THE INVOICE AND RECEIPT (DPD 122):

Hereafter referred to as the Invoice, is the Evidence and Property Section's source document and must be completed for all evidence and most personal/found property submitted to the Evidence and Property Section.

- a. The Invoice consists of the original and one copy. The ORIGINAL is a permanent record that will be scanned into RMS by Evidence and Property Section staff. The COPY is for the submitting officer's recordkeeping.
 - b. All property will be categorized as:
 - Evidence (E) - property that is attached to a criminal investigation.
 - Personal property (P) - property that has no evidentiary value but must be held for safekeeping for the owner.
 - Found property (F) - property that has no evidentiary value and the owner may or may not be known.
 - c. The information on the Invoice must be complete and accurate. The following information must be recorded on the Invoice:
 1. The Unified Summons and Complaint or General Occurrence (GO) report case number.
 2. Name and serial number of the officer recovering the property.
 3. Name(s) of all prisoners associated with the property recovered.
 4. The correct street address where the property was recovered and/or where the offense occurred.
 5. The name of any finder, claimant, or victim associated with the property is needed to link GO reports with evidence. Invoices pertaining to multiple suspects and/or victims must have the name of the suspect(s) and/or victim(s) listed in the appropriate victim/prisoner
-

spaces on the Invoice. Additionally, the Invoice must include the name of the owner of each item placed in the body of the Invoice, next to the item recovered. This is especially important in serious cases such as homicide, aggravated assault and sexual assault, where the owner's name must appear beside each separate item of clothing or forensic specimen.

6. The preferred method for listing property on the Invoice is to list the items in this order:
 - Money
 - Drugs/narcotics
 - Guns/ammo
 - All other property
7. Descriptions of evidence must be accurate. Information such as serial number, make, model, type of action and color for guns must be included on the Invoice.
- d. When placing items in the Evidence and Property Section that were seized pursuant to the execution of a search warrant, the officer will complete only the top part of the Invoice, and attach a photocopy of the Return and Inventory (DPD 373). See OMS 107.01
- e. The only time it is not necessary to complete an Invoice is for identification cards, keys or a driver license that the officer has found or inadvertently failed to return to the owner. See OMS 106.02(3)

106.02 PERSONAL AND FOUND PROPERTY

(1) GENERAL GUIDELINES:

Any officer coming into possession of personal and/or found property will bring such property to the Evidence and Property Section, or an authorized remote evidence locker, at the earliest possible time before the end of the officer's shift. See section (6) for lost or found property at Denver International Airport.

- a. An Invoice will be completed, and the property will be properly packaged for identification.
- b. Any information that could assist Evidence and Property Section personnel in locating the owner(s) of the property must be included on the Invoice.
- c. In the absence of an owner, officers will include the name and address of the finder and/or claimant.
- d. When the property owner is known, the officer submitting property to the Evidence and Property Section will also complete the Property Owner's Notification Card (DPD 351).
 1. When personal property is removed from an impounded vehicle and taken to the Evidence and Property Section for safekeeping, this information must be noted on the Impounded/Recovered Vehicle Report (DPD 224). The impounding officer should also leave a note on the vehicle instructing the owner to contact the Evidence and Property Section to retrieve the property.
 2. If personal property is removed from a residence, business or similar premise, the officer removing such property should leave a note at the site instructing the property owner to contact the Evidence and Property Section for retrieval.
 3. When it is necessary to place personal property belonging to a hospital patient in the Evidence and Property Section, a note stating the officer's name, serial number, the name of the patient and a brief description of the property should be left with the records kept by the hospital. The officer will request that the patient or patient's family contact the Evidence and Property Section to retrieve the property.

(2) PRISONER PROPERTY:

Prisoner personal property, including oversized items, will be relinquished to the Denver Sheriff's Department at the time of custody exchange. Arresting officers will inspect all prisoner property and inventory each item in the Arrest Notes-Personal Property section of the Unified Summons and Complaint (US&C) prior to the custody exchange or the property being left at district holding cells awaiting scout van transport. The Denver Sheriff's Department is the final authority on what items are considered contraband.

- a. Items classified as contraband, including weapons, marijuana, substances that are illegal or not appropriate to be stored in a jail environment and/or items that are not accepted by the Denver Sheriff's Department will be brought to the Evidence and Property Section for safekeeping. The officer placing such property in the Evidence and Property Section will complete the Property Owner's Notification Card (DPD 351) and hand-carry it to the Van Cise-Simonet Detention Center to be placed in the prisoner's property bin.
- b. Arresting officers that fail to discover contraband within the property of the prisoner they process will be required to return to the detention center to address the item. In the absence of the arresting officer, the supervisor of the arresting officer will be required to assign an alternate officer to respond.
- c. Food and all other perishable items will be disposed of for health reasons.
- d. If the prisoner is transported to a district station and video capabilities are available, all prisoner property will be placed on the designated counter (as identified by the district commander) and inventoried. Once the inventory is complete and captured on video, all items will be placed in a plastic bag. The plastic bag must be heat sealed, taped closed or stapled when practical. If video capabilities were available at the time of inventory, the arresting officer will note this in the Arrest Notes-Personal Property section of the US&C. If the inventory process is not able to be documented via video, officers will note that in the miscellaneous text field of the Arrest Notes-Personal Property section of the US&C.
- e. Money on a prisoner that is deemed personal property must be counted and noted in the Arrest Notes-Personal Property Section of the US&C and will remain on the prisoner throughout the arrest process or while in the custody of a Denver police officer. Cash amounts between \$300.00 and \$4,999.99 require that the accuracy of the count be verified by a second officer. Cash amounts of \$5,000.00 or more require that the accuracy of the count be verified by a supervisor. The name and badge number of the verifying officer will be noted in Arrest Notes-Personal Property section of the US&C, in the OTHER field. If a prisoner does not have any money, this will be noted as NONE, in the MONEY field of the Arrest Notes-Personal Property section of the US&C.

(3) FORMS OF IDENTIFICATION:

Officers will make every effort to return all forms of identification at the conclusion of any contact. Identification cards, driver licenses, social security cards, credit cards and keys that an officer has found or inadvertently failed to return to the owner(s) must be delivered to the Evidence and Property Section. However, it is not necessary for the officer to complete an Invoice.

- a. Identification cards, social security cards, credit cards, keys, and driver's licenses will be placed in an envelope. The outside of the envelope will contain the officer's name, serial number, assignment, a brief description of the contents, the name/address of the owner, and where the property was found or recovered.
 - b. The officer recovering this property will complete a Citizen's Notification Card (DPD 351) and present this card to the Evidence and Property Section personnel on-duty.
 - c. The envelope may be delivered to the Evidence and Property Section by the officer or the officer may use the inter-departmental mail to deliver it. If inter-departmental mail is used, a completed Citizen's Notification Card (DPD 351) must accompany the property.
-

- d. All inquiries from citizens concerning retrievable property will be referred to the Evidence and Property Section's release telephone (720-913-6589) located in the lobby of the Police Administration Building.

(4) PROPERTY OWNER NOTIFICATION OF LIMITED RETENTION PERIOD:

The owner(s) of any item classified as personal property must be notified by the submitting officer that the Denver Police Department holds such property for **ONLY 30 DAYS** before it is disposed of or sold at public auction. The officer will complete a Property Owner's Notification Card (DPD 351) for personal property submitted to the Property Section, **and at the time of submission will:**

- a. Include it with personal property secured within a remote evidence locker; or
- b. Personally present it to Evidence and Property Section personnel; or
- c. Deliver it to Detention Center personnel for inclusion with the owner's (inmate) personal property; or
- d. Send it via interdepartmental mail to the Records Unit for mailing by U.S. Postal Service; or
- e. Personally deliver it to the property owner.

(5) RELEASE OF PERSONAL PROPERTY:

The release of personal and found property is governed by the Property Release Section, located in B-1 of the Police Administration Building. The Property Release Section is open Monday through Friday, 0700 to 1500 (except holidays).

- a. Personal property can be released to the owner without any additional paperwork required of the officer whom submitted the property into the Evidence and Property Section.
- b. Personal property may be retrieved by persons other than the owner upon presentation of a notarized letter authorizing the release of the property.
- c. In accordance with the Denver Revised Municipal Code, property (that has not been declared to be contraband) found by a citizen and turned over to the Police Department for safekeeping can be claimed by the finder at the end of the 30-day period if the owner has not been identified or the property claimed. The citizen will be instructed to contact the commanding officer of the Evidence and Property Section to make such claim.

(6) LOST AND FOUND PROPERTY – DENVER INTERNATIONAL AIRPORT (DIA):

- a. The designated contract private security service at DIA is authorized to take possession of found property, including items of value, cash, and credit cards.
 - b. When the private security service is unavailable or expresses a policy conflict, officers will take found items to the DIA Lost and Found Office. A DPD supervisor should be contacted to assist with resolving disputed issues.
 - c. Officers will take possession of lost and found items after assistance from airport partners has been explored and eliminated.
 - d. Officers taking property to the DIA Lost and Found Office will document the items on their log sheet and activate their BWC to record the inventory process. Officers will note the name of DIA Lost and Found personnel who took possession of the found items.
 - e. When the DIA Lost and Found Office is closed, and officers take possession of lost and found items, an Airport Division evidence locker can be used to secure the item(s).
 - Officers will document/describe found items placed into the evidence lockers using the adjoining clipboard.
 - The evidence lockers are video recorded for the protection of officers and evidence/property awaiting transport to the DIA Lost and Found Office.
 - A Detail 3 supervisor going off duty will notify the oncoming Detail 1 supervisor of property needing transport to the DIA Lost and Found Office.
-

106.03 EVIDENCE HANDLING PROCEDURES

(1) GENERAL GUIDELINES:

Any property destined to become evidence in a criminal case must be brought to the Evidence and Property Section or to a remote evidence locker authorized by the Evidence and Property Section for the temporary storage of evidence without delay, except for items identified in OMS 106.01(1).

- a. The officer bringing the evidence to the Evidence and Property Section must complete an Invoice, listing each item being placed into evidence. If the evidence has been seized pursuant to the execution of a search warrant, the officer will complete only the top part of the Invoice, and attach a photocopy of the Return & Inventory (DPD 373). See OMS 107.01
- b. Each item of evidence must be properly identified and correctly packaged or tagged.
- c. Paper bags, plastic bags, boxes, and tags are available in the Evidence and Property Section. The officer will consult the Evidence and Property Section personnel on duty when there are any questions about the best way to package evidence.

(2) WEAPONS:

Unless there is a compelling reason, all weapons brought to the Evidence and Property Section will be unloaded and ammunition will be packaged separately from the weapon. **Loaded weapons must be brought to the attention of Evidence and Property Section staff so that Crime Laboratory personnel can be called to safely unload the weapon.**

(3) DRUGS/NARCOTICS:

Drugs and/or narcotics will be sealed inside a plastic evidence bag, separate from all other evidence. Heat-seal the top after initialing and dating the bag. The sealed bag will then be placed in the appropriate sized Property/Evidence envelope (DPD 23) or box, and sealed with evidence tape. Once sealed, the evidence tape will be initialed by the submitting officer. An exception is made for freshly picked marijuana that must be packaged in paper. The bag/box will be sealed with red evidence tape and initialed.

(4) CURRENCY:

The responsibility for accurately counting any money placed in the Evidence and Property Section rests with the officer submitting the cash.

- a. Officers submitting large quantities of U.S. currency (referred to as cash) to the Evidence and Property Section may use a coin and bill counter, when available, located at the Evidence and Property Section to expedite the count.
- b. Generally, coin and paper bills will be separated. The officer(s) submitting money to the Evidence and Property Section will: complete the calculations, indicate the total amount of cash being submitted and place the money into the plastic, tamper-evident Money Envelope (DPD 23M). The officer will then seal the bag and remove the numbered receipt.
 1. Paper bills will be sorted by denomination. The quantity of each denomination will be listed in the spaces provided on the face of the Money Envelope.
 2. Large amounts of coin will be sealed in a separate Money Envelope after being counted. If using the detail tape printed by the coin counting machine, the officer submitting the coin will record the quantity of each denomination, calculate the total amount, place the coin and the detail tape inside the Money Envelope, seal the bag, and remove the numbered receipt.
 3. Small amounts of coin may be placed in the same envelope as paper bills.
- c. A signature of the officer sealing the cash (\$299.99 or less) in the Money Envelope must be affixed to the outside of the envelope. The completed plastic Money Envelope will be put inside a completed Blue Property Envelope when size allows.
 1. Cash amounts between \$300.00 and \$4,999.99 require that the accuracy of the count for all cash seized from the incident be verified by a second officer. This officer will not be

- assigned to the Evidence and Property Section. The signature of the second officer verifying the count must be affixed to the plastic Money Envelope.
2. Cash amounts of \$5,000.00 or more require that the accuracy of the count for all cash seized from the incident be verified by a supervisor or command officer. This supervisor or command officer will not be assigned to the Evidence and Property Section. The signature of the supervisor or command officer verifying the count must be affixed to the plastic Money Envelope.
- d. Once the cash has been sealed in a plastic Money Envelope, the envelope will only be opened by the officer submitting the cash, or by two or more representatives of the Evidence and Property Section as outlined in the Evidence and Property Section procedures.
 - e. The officer submitting the cash will remove the perforated, numbered receipt from the Money Envelope. This numbered receipt will be retained by the submitting officer to ensure the chain of custody has been maintained.
 - f. The total amount of cash placed in the Money Envelope and the receipt number must be recorded on the Invoice and the exterior of the evidence envelope or bag.
 - g. Collector's coins (such as proof sets or gold coins that are packaged for display) will be separated from other cash. The face value of such coins will not be included in the final total amount of cash being placed into the Evidence and Property Section.
 - h. Foreign money is to be handled as any other paper evidence. These documents will not be placed in the safe.
 - i. The investigating detective or authorized Crime Lab personnel at the scene of any homicide, suicide, or police shooting will be responsible for submitting any currency (evidence and/or personal property) into the Evidence and Property Section.
 - j. Officers will refer to OMS 304.10 regarding any narcotic investigation drug related currency seizures.
 1. If approved by the Vice/Drug Section, the seizing officer will respond to the Evidence and Property Section with the money, where it will be inventoried and receive a Evidence and Property Section number. The money will be placed into a completed tamper-evident bag and sealed. The tamper-evident bag will be placed inside a vapor-proof plastic bag that will be initialed, heat-sealed by the seizing officer, and returned to the Evidence and Property Section staff to be placed in the "clean safe." The officer submitting money into the Evidence and Property Section must inform the staff that the money must be placed in a "clean" safe. Money will not be stored in the "clean" safe for more than 30 days; therefore, it is the responsibility of the investigating officer in charge to arrange to have the money submitted for a "sniff" test by a drug detection dog at the earliest possible opportunity. After the "sniff" test, the money will be transferred to the vault in the Evidence and Property Section. After 30 days, all money will be transferred from the "clean" safe to the vault in the Evidence and Property Section.
 2. Documentation of the route, chain of custody and results of the "sniff test" for all money seized under these circumstances will be documented by the assigned detective and will become part of the criminal and/or civil case file.
 3. Opened evidence bags, though no longer usable, must be returned to the Evidence and Property Section to prove the chain of custody.

(5) MONEY DISPOSITION:

It is the policy of the Evidence and Property Section to deposit most cash in an off-site account. Cash will only be held in the Evidence and Property Section safe if it is determined that the cash itself has intrinsic evidentiary value and is vital to the prosecution of the case or if the cash is determined to be a collector's item worth more than its face value.

- a. When money is submitted on felony cases, it will be the responsibility of the assigned detective to meet with the Intake deputy district attorney and reach a decision regarding whether the actual item of cash must be held as evidence. The assigned detective and the Intake deputy district attorney must complete a Money Disposition Sheet (DPD 619) and return it to the commanding officer of the Evidence and Property Section for processing, if the money is to be held longer than the required 120 days stated in the Evidence and Property Section policy.
- b. Officers who are going to try and seize the money are instructed to check the appropriate box on the Money Disposition Sheet (DPD 619) indicating the planned seizure. The detective will also consult with the intake deputy district attorney about the planned seizure. Signatures of the deputy district attorney and assigned detective are required on the form.
- c. Money will not be taken from suspects unless it is evidentiary in nature or is found property. Money on a prisoner that is personal property will remain with the prisoner through the booking process at the detention center.

(6) PERSONAL PROTECTIVE EQUIPMENT:

Officers will wear protective gloves whenever handling property, particularly clothing, belonging to a known carrier of infectious disease or bug infestation. **This information will be brought to the attention of Evidence and Property Section personnel on-duty at the time the evidence is submitted to the Evidence and Property Section.**

(7) CLOTHING:

When collecting clothing as evidence at the scenes of serious crimes against persons, such as homicide, aggravated assault, and sexual assault, each separate item of clothing recovered from each suspect and each victim must be collected and packaged in separate paper bags.

- a. Clothing can contain DNA evidence from both victims and offenders. Evidentiary value is lost when one item of clothing comes into contact with another, thus contaminating them both, or when clothing is separated and moved from one bag to another. Officers collecting and preserving clothing must utilize all necessary precautions to avoid cross-contamination or loss of the evidentiary value of the clothing item.
- b. The item description, name of the person from whom the item was recovered, and the Evidence and Property Section Invoice number must be listed on each paper bag.
- c. Under no circumstances can bloody or wet clothing be packaged in plastic. Plastic reduces the circulation of air and causes blood-soaked or damp clothing to decompose. The officer bringing such clothing to the Evidence and Property Section must inform the staff that the clothing is bloody or wet so that arrangements can be made to dry the items.
- d. The officer placing clothing of evidentiary value in the Evidence and Property Section must check all pockets for money, drugs, or other contraband. If any is found, each must be listed as a separate item on the Invoice.

(8) EVIDENCE REQUIRING LABORATORY ANALYSIS:

Evidence requiring laboratory analysis will be taken to the Evidence and Property Section. Evidence will be identified and properly packaged and an Invoice will be completed.

- a. When a suspected controlled substance must be analyzed, the investigating officer assigned to the case will complete a Request for Presumptive Screening (DPD 705). The investigating officer is required to physically inspect the contraband and complete one request for each item to be analyzed.
 - b. Officers bringing evidence to the Evidence and Property Section that requires fingerprint processing will complete a Request for Laboratory Examination template (DPD 341) at the time the evidence is invoiced. Such property must be handled carefully so that fingerprint evidence is preserved.
-

- c. The assigned investigating officer will complete the Request for Laboratory Examination in all felony crimes against persons, such as sexual assault or homicide.

(9) DIGITAL MEDIA:

Officers submitting compact disks containing video, photographic, or audio recordings requiring additional investigation by detectives will complete the following steps:

- a. The officers will complete all necessary property Invoices and envelopes for the disk.
- b. Upon completion of the duplication process, the submitting officer will place the original disk into evidence and forward a duplicate disk to the unit responsible for the investigation.

(10) REMOTE EVIDENCE LOCKERS:

Secure evidence lockers have been installed at various police facilities throughout the city to allow officers to submit evidence without responding to the Evidence and Property Section. The lockers are commercially manufactured to meet or exceed recommended guidelines for the submittal of evidence. The proper use of these lockers will ensure evidence continuity and minimize contamination risks to the evidence. The following items cannot be deposited in the remote evidence lockers and must be transported to the Evidence and Property Section:

- Bloody clothing that requires drying
 - Any wet or soiled items that will leak through paper storage bags
 - Sexual assault kits collected from hospitals or clinics that require refrigeration
 - Blood samples from DUI cases that require refrigeration
 - Any item that requires refrigeration to prevent spoilage
 - Personal property belonging to prisoners (for items refused by DSD)
 - Bulk items that do not fit into the evidence lockers provided.
 - U.S. currency exceeding \$5,000.00
- a. Officers are required to follow all procedures for submitting evidence as if they were submitting the items in person at the Evidence and Property Section. Officers are encouraged to call the Evidence and Property Section regarding any question about packaging or processing of evidence. Officers submitting evidence via the remote evidence lockers will:
 - 1. Package each piece of evidence, personal and/or found property as directed in the Packaging Manual located near the evidence lockers.
 - 2. Complete an Invoice, itemizing each piece of property with the corresponding item number placed on the packaging container.
 - 3. All evidence will be placed in envelopes, boxes, bags and other containers as outlined in the Packaging Manual, and must be sealed with evidence tape by the submitting officer to prevent contamination and ensure the integrity of each piece of evidence.
 - 4. When all evidence, personal and/or found property has been processed, the submitting officer will place the completed Invoice and all items listed on it inside one of the evidence lockers and secure it. Once secured, the only access to the contents of the locker will be by personnel assigned to the Evidence and Property Section.
 - 6. The cylinder key that opens the remote evidence lockers is controlled by the Evidence and Property Section and the key is secured in the Evidence and Property Section at all times. The key may only be checked out to Evidence and Property Section personnel assigned to retrieve evidence from the remote evidence lockers.
 - b. Evidence and Property Section personnel will process the items located in the remote evidence lockers on a daily basis.
-

1. Evidence and Property Section personnel will respond to police facilities that house remote evidence lockers, daily between 2030-0030 hours, for the purpose of retrieving items secured in the lockers and replenishing supplies needed for evidence packaging.
 2. The responding Evidence and Property Section personnel will open one locker at a time, in the presence of an officer or supervisor, and compare the contents of the locker with the Invoice to ensure that all listed items are accounted for, and in addition, will note the evidence locker number on the upper left-hand corner of the Invoice to assist with later processing.
 3. After the items are removed, Evidence and Property Section personnel will wipe the interior of the locker with sterilizing wipes and leave it in the unlocked position for future use.
 4. The contents of each locker will be stored in separate containers for transport to the Evidence and Property Section.
 5. All evidence, personal and/or found property will be transported to the Evidence and Property Section and processed immediately.
 6. A copy of the Invoice will be scanned into Versadex as an image, allowing the submitting officer to view or refer to the Invoice at any time.
- c. In cases where there are discrepancies between what is listed on the Invoice and what is in the locker, or if the items are not packaged properly, the following procedures will be followed:
1. When there are additional items in the locker that are not on the Invoice, the district supervisor will be allowed to add the items to the Invoice and they will be listed on the Invoice along with the submitting officer.
 2. For items that are on the Invoice but not in the locker, the district supervisor will be required to initial the Invoice, acknowledging that the item was not in the locker. The remaining items will be processed; however, the missing items will not be entered into Versadex as they were never received by Evidence and Property Section personnel.
 3. In cases where irregularities with the evidence cannot be resolved by the district supervisor, the error will be noted on the Invoice and initialed by the district supervisor. The item will be transported to the Evidence and Property Section and the item and the Invoice will be placed in a temporary locker in the Evidence and Property Section, and the submitting officer will be required to respond to the Evidence and Property Section as soon as practical after their next scheduled roll call to correct the errors. In the event that the original submitting officer is not available for a period exceeding 72-hours from the original submittal, the officer's supervisor listed in TeleStaff will be contacted and be required to respond to the Evidence and Property Section to address the errors.
 4. Any investigation regarding errors or missing items will be the responsibility of the submitting officer's commander.

106.04 EVIDENCE WITHDRAWAL PROCEDURES

(1) GENERAL GUIDELINES:

- a. The withdrawal of any item from the Evidence and Property Section will be noted in the Versaterm Evidence Continuity Section of the RMS and will require the withdrawing party to enter their PIN.
- b. Evidence may be withdrawn from the Evidence and Property Section for the following reasons:
 - For analysis by personnel assigned to the Crime Lab
 - For examination by members of the responsible investigative division, section, or unit within the Denver Police Department

- For presentation in court
- To release to another law enforcement agency
- For analysis or examination by an authorized agency outside the Denver Police Department
- To be shown to a victim, witness, or other person related to an investigation
- To release to the owner
- Evidence may not be withdrawn for any other purpose except with the written consent of the Chief of Police, Deputy Chief of Police, or the commander of the division or district to which the investigating officer is assigned

(2) PERSONNEL AUTHORIZED TO WITHDRAW EVIDENCE:

Those authorized to withdraw evidence include the officer originally invoicing the property, the investigating officer assigned to the case, personnel assigned to the Crime Lab, members of the prosecuting attorney's office, investigators assigned to the prosecuting attorney's office, and supervisors or commander of the division/district to which the investigation responsibilities have been assigned.

(3) CURRENCY OF \$5,000 OR MORE:

Currency seizures of \$5,000 or more, placed in the Evidence and Property Section, may only be removed by the commanding officer of the division, district, section or unit responsible for the investigation, who must be present and sign the property release form.

(4) RESPONSIBILITY FOR RETURN OF PREVIOUSLY WITHDRAWN EVIDENCE:

The person withdrawing evidence from the Evidence and Property Section is responsible for returning the evidence within the timelines listed below or completing the necessary paperwork and/or documenting the location of such property if it is not returned to the Evidence and Property Section within the required time. Items not accounted for within the prescribed timelines will be reported to the commanding officer of the Evidence and Property Section for immediate review.

(5) TIMELINES FOR RETURNING EVIDENCE:

Any evidence withdrawn from the Evidence and Property Section must be returned within the following timelines:

- Police officers: Items withdrawn will be returned within 24-hours.
- Denver District Attorney Office or DA investigators: Items withdrawn will be returned within 14 days.
- Crime Lab: Narcotics items will be returned within 24-hours of receipt. All other items will be returned within 30 days.

(6) EXCEPTIONS TO RETURNING EVIDENCE WITHIN THE STATED TIMELINES:

- *Such evidence is retained by the court:* The withdrawing officer will require that the court officer authorizing the retention of the evidence complete a signed letter containing their legible printed name, courtroom number and case number relating to the evidence. The letter will be delivered to the Evidence and Property Section and scanned into the RMS with the appropriate comments made in the storage section.
 - *The evidence is returned to the owner:* Evidence and Property Section Receipt (DPD 10) will be completed and returned to the Evidence and Property Section without delay. The signatures of the officer releasing the evidence and the owner accepting the evidence must appear on the receipt.
 - *The evidence is to be permanently retained by an outside law enforcement agency:* A Evidence and Property Section Receipt must be completed and returned to the Evidence and Property Section.
 - *The necessary examination requires an extended period of time:* A DPD 200 explaining the circumstances of this extended delay must be hand carried to the Evidence and Property Section and scanned into the RMS with the appropriate notations made in the storage control field.
-

106.05 DISPOSITION OF EVIDENCE

(1) GENERAL GUIDELINES:

- a. Evidence that can be returned to the rightful owner should be photographed and released as soon as possible. The owner and the property being released will appear in the photograph.
- b. As soon as the release of any item being held as evidence is authorized, the item becomes classified as personal property and is subject to the procedures outlined in OMS 106.02.

(2) WEAPONS:

Weapons taken from offenders will be held in the Evidence and Property Section until the final determination of the prosecution of the offense.

- a. If the defendant is found guilty, the court may order forfeiture of the weapon.
- b. Any weapon ordered forfeited by the court will remain in the custody of the Chief of Police (or designee) until the weapon is destroyed.
 1. By January 31 of each year, the Chief of Police, through the commanding officer of the Evidence and Property Section, will provide to the Presiding Judge of the Denver County Court an inventory of all weapons confiscated and ordered forfeited during the previous year.
 2. If a weapon that has been confiscated and ordered forfeited can be used for training, repairs, or similar uses, it will become the property of the Denver Police Department.

(3) PRESERVATION OF DNA EVIDENCE:

- a. CRS §18-1-1102 requires the preservation of DNA evidence related to Class I felonies or those cases where an indeterminate sentence exists. In such cases, the Denver Police Department must maintain all reasonable and relevant evidence that may contain DNA for the life of the defendant sentenced to the Department of Corrections for life imprisonment, or for the length of the statute of limitations when charges have not been filed.
- b. CRS §18-1-1103 regulates the destruction and disposition of evidence that may contain DNA. The Denver Police Department will not dispose of, or cause the destruction of, any evidence that may contain DNA without the expressed written permission of the District Attorney for the Second Judicial District, or by court order permitting the destruction.
- c. Except under circumstances involving DNA evidence, an authorized member of the investigative team requesting release of evidence may:
 1. Respond to the Evidence and Property Section to obtain a computer printout of the evidence being held by the police department. The upper portion of the computer printout must be completed by the investigating officer authorizing release of the evidence. The release disposition, name, and address of the person to whom the evidence is to be released, officer's signature, serial number, and date must appear on the printout.
 2. Request that Evidence and Property Section personnel fax the printout to a convenient site within the police department so that the release information can be noted. The completed printout may then be returned via fax to the Evidence and Property Section.
 3. Complete the authorization for release or disposal through the RMS under case management.

(4) EVIDENCE RELATED TO DEATH INVESTIGATIONS (HOMICIDE, SUICIDE, KNOWN AND UNKNOWN DEAD, ACCIDENTAL, AND TRAFFIC FATALITIES):

The preceding evidence release procedure, notwithstanding evidence held in relation to any death investigation, will be handled in the following manner:

- a. Definitions of death investigations will include, but are not limited to; homicide, suicide, known and unknown dead, accidental, and traffic fatalities.
- b. Evidence held in any death investigation will be maintained until the investigation into the death has been thoroughly examined by the division, section or unit responsible for the case.
- c. Without exception, evidence held in relation to a death investigation will not be destroyed or disposed of without approval of the commanding officer of the Homicide Unit, in consultation with the Commander of the Major Crimes Division and the Denver District Attorney's Office.
- d. Once the decision to destroy, dispose, or return evidence in a death investigation is made, it will be the responsibility of the commanding officer of the Homicide Unit to approve its release.
- e. Evidence held in relation to any traffic fatality will be destroyed or disposed of only after its release has been approved by the commanding officer of the Traffic Investigations Unit, in consultation with the commanding officer of the Homicide Unit and the Denver District Attorney's Office. This procedure will be completed to ensure that persons killed in apparent traffic accidents are not the victims of a criminal homicide.
- f. Evidence disposition procedures will follow those outlined in section (3).
- g. Disposition or destruction of DNA evidence will follow the procedures outlined in CRS §18-1-1103.
- h. Once evidence disposition has been decided, irrespective to holding, releasing, destroying, or selling, a copy of the disposition document will be placed into the case investigation file impacted by the disposition.
- i. Questions regarding the procedure to use with respect to evidence in a death investigation may be directed to the commanding officer of the Homicide Unit.

(5) DISPOSITION OF EVIDENCE:

- a. The retention and disposition of evidence will be in accordance with all sections of OMS 106.05.
- b. Officer Notification:
 1. If a detective or investigative unit officer has been assigned to a case, he/she will be the point of contact for the Evidence and Property Section.
 2. In direct file cases where detectives or investigative unit officers are not involved, such as designated misdemeanors and municipal ordinance violations, the officer who submitted the evidence will be the point of contact for the Evidence and Property Section.
 3. Prior to contacting officers and detectives for an evidence disposition, the Evidence and Property Section will research the items in question using resources including but not limited to the City Attorney's Office, District Attorney's Office, and court records.
 4. Except for DNA, death investigation, and civil litigation evidence, the Evidence and Property Section will notify officers/detectives by email of items held 13 months or longer. As part of the notification the Evidence and Property Section will provide relevant information concerning the status of the evidence.
 5. The officer or detective will determine and email a disposition response to the Evidence and Property Section within 20 calendar days of the date of the request.
 6. Officers seeking additional information to determine an evidence disposition may also contact the applicable attorney's office (District Attorney or City Attorney) at the following email addresses:
 - PropertyDisposition@denverda.org
 - pacepropertydispo@denvergov.org (prosecution)
 - CivilLitPropertyDispo@denvergov.org (civil litigation)

7. If the Evidence and Property Section does not receive a disposition response from the officer/detective within 20 calendar days, it will be forwarded to the applicable division/district commander for resolution.
- c. Notification and Evidence Disposition Response:
Officers/Detectives will:
 1. Indicate one of the following dispositions for all evidence items:
 - Hold (the response must include a brief explanation)
 - Dispose - evidence no longer needed for case resolution
 2. When applicable, indicate to whom the evidence will be released.
 3. Provide an updated address (if known) for persons to whom evidence is to be released.
- d. Officer Initiated Evidence Disposition:
Officers/detectives may, without a prior request from the Evidence and Property Section, initiate the disposition of evidence by contacting the Evidence and Property Section.
- e. Officer Separated from the Department:
If the responsible officer/detective is separated from the department, the Evidence and Property Section will contact the appropriate division/district commander for a resolution in accordance with this policy.
- f. Evidence Release Process:
 1. When evidence is deemed appropriate for release, the Evidence and Property Section will notify the owner as indicated in the disposition by the officer/detective using the most recent documented contact information.
 2. Owners will be advised of the process for retrieving property from the Police Administration Building.

106.06 CRIME SCENE EVIDENCE

(1) CRIME LAB RESPONSIBILITIES AND RESPONSE:

Crime Lab personnel will be called in all cases of homicide, suicide, police shootings, burglary/sexual assault, and other cases in which physical evidence may assist in solving and proving the crime.

- a. Crime Lab personnel will conduct the actual search, collect the evidence and transport or have it transported to the Evidence and Property Section.
- b. All fingerprinting will be done by qualified Crime Lab personnel.
- c. Crime Lab personnel, in consultation with the investigating officer, will determine when the collection of DNA evidence is reasonable and relevant. The investigating officer will document in their supplementary report the reason(s) for collecting, or not collecting, evidence that may contain DNA.
- d. Investigating officers who later come into possession of evidence requiring examination will take the evidence to the Evidence and Property Section as soon as possible.
- e. When trace evidence is submitted to the Crime Lab for examination, samples from a known source should be obtained, packaged separately to prevent cross-contamination, and submitted with the evidence from the unknown source whenever possible. Trace evidence includes, but is not limited to, hair, fibers, fabric, paint, glass, wood and soil.

(2) CRIME SCENES AND SUSPICIOUS DEATHS:

Officers called to, or happening upon, the scene of a crime or suspicious death will take immediate steps to protect the area and prevent the destruction, mutilation, concealment or contamination of physical evidence, call the Major Crimes Division, and ask for any other assistance as may be necessary.

(3) OFFICER IN CHARGE:

The ranking detective or responsible investigative division/section/unit supervisor or command officer will be in full charge of the investigation when present. In the absence of a detective or responsible investigative division/section/unit supervisor or command officer, the ranking Crime Lab supervisor (or designee) will take full charge.

(4) HOMICIDES:

Officers at the scene of a homicide will not handle any object or make a search of a body, or permit any other person to do so, until the Medical Examiner has made an investigation. Particular caution will be exercised and careful attention paid to the body and effects of the victim in assault cases and to any fingerprints that may be on weapons or other articles used in the crime.

(5) SUSPICIOUS DEATHS:

Officers discovering a suspicious death or suicide will assume that the death is criminal homicide and proceed accordingly. They must investigate all deaths when there are reasonable grounds to suspect that the death was not due to natural causes. The dispatcher and the Major Crimes Division must be notified immediately.

(6) SCENE SECURITY:

When the search for suspects at a crime scene has been completed, and the Crime Lab has been called, officers will secure the scene and limit any further search pending arrival of the Crime Lab personnel.

(7) FINGERPRINT EVIDENCE:

- a. Crime Scene Unit personnel will be called whenever an officer believes there is a possibility of obtaining latent prints.
 1. Particular attention should be given to glass that has been broken out or removed from the point of entry, and to items with clean, smooth, non-porous surfaces.
 2. Crime Lab personnel may also be called in instances of strictly "public relations."
- b. Trained Crime Lab personnel will print all evidence.
- c. Officers may take small articles to the Evidence and Property Section for later examination by Crime Lab personnel.

(8) PROCESSING MOTOR VEHICLES FOR EVIDENTIARY ITEMS:

- a. Vehicles impounded for serious crimes (i.e., homicide and sexual assault), where there is the possibility of forensic evidence within the vehicle, will be impounded at one of the five facilities in the City and County of Denver approved for the secured storage of vehicles pending evidentiary processing by Crime Lab personnel. Approved facilities are located at:
 1. District One
 2. District Two
 3. District Three
 4. Denver Crime Laboratory Garage
 5. Denver Vehicle Impound Facility (5160 York Street)
 6. Traffic Operations Section

Vehicles will be placed in cages at Traffic Operations for the purpose of evidence processing only. Upon completion of evidence processing, the assigned investigating officer or investigative unit supervisor will have the vehicle towed to the Denver Vehicle Impound Facility (VIF) whether or not it will remain on hold. All vehicles placed in the evidence cages at Traffic Operations will be released from the VIF. Under no circumstance will a vehicle be released to anyone directly from the evidence cages at Traffic Operations. Assigned investigating officers or investigative unit supervisors are

responsible for completing all necessary paperwork for transferring a vehicle to the VIF and arranging for towing.

- b. The decision to store a vehicle in one of these secured facilities must be approved by a detective or supervisor from the affected investigative unit. If on-duty personnel from the affected unit or Crime Lab personnel are unavailable, contact the on-call detective or supervisor corresponding to the affected unit through Denver 911.
 - 1. A tow slip will be made by the towing officer at the time the vehicle is placed in the cage for processing.
 - 2. The assigned detective or supervisor will be responsible for coordinating the processing of the vehicle with Crime Lab personnel.
 - 3. The assigned detective will be present at the time the vehicle is processed. The detective is responsible for documenting any evidence recovered from the vehicle.
 - 4. Crime Lab personnel will collect all reasonable and relevant DNA evidence or the material where the evidence may exist, prior to the release of the motor vehicle.
 - 5. Maintaining motor vehicles indefinitely as evidence is impractical. Vehicles will be processed within 72-hours of placement. Should it become necessary to hold a vehicle beyond 72 hours, the detective or supervisor will give written justification for the extended hold, which must be approved by the commanding officer of the affected investigative division, section, or unit.
 - c. Motor vehicles involved in theft from motor vehicle cases or recovered Denver stolen vehicles may be printed if it is probable that printable surfaces have been handled by the suspect.
 - d. Important trace material having further probative value should not be overlooked by officers recovering stolen vehicles. It should be emphasized that in the recovery of a stolen vehicle the officer must be extremely circumspect in terms of searching for items such as: narcotics, stolen property, weapons, bullet holes, etc., as well as procedural disposition of personal property.
 - e. Any officer recovering a stolen vehicle will make a thorough and complete search of the vehicle and its contents. The officer will then note, in detail, the results of the investigation on the Impounded/Recovered Vehicle Report (DPD 224) documenting any unusual situation or condition of the vehicle, the contents of the vehicle and disposition of all articles found in the vehicle. Special notice will be made on the Impounded/Recovered Vehicle Report of any existing damage to the vehicle being impounded. See OMS 205.01(4) and (5).
 - f. Crime Lab personnel will not process any impounded vehicle unless a Request for Laboratory Analysis template (DPD 341) has been received.
 - 1. When a vehicle is impounded with a hold for prints or for other evidentiary purposes, the officer having the vehicle impounded will complete all four copies of the Impounded/Recovered Vehicle Report. See OMS 205.01(4) and (5).
 - 2. The detective or other investigating officer assigned to the case involving the impounded vehicle will determine if the vehicle needs to be processed by Crime Lab personnel. If determined to be necessary, the detective or other investigating officer will complete the Request for Laboratory Analysis template, and forward it to the Crime Lab supervisor. If the request for analysis is approved, the Crime Lab supervisor will assign an investigator to process the impounded vehicle. The results of the Crime Lab's findings will be made available to the requesting officer.
 - g. Denver International Airport (DIA) – Processing vehicles for evidence:
All other sections of this policy apply, with the following additions specific only to vehicles recovered on official DIA property:
-

1. Officers desiring to process a vehicle for prints, DNA, or other evidentiary items should determine if the Crime Scene Unit can respond to the location of contact/recovery in a timely manner. If a timely response is possible, an officer will stay with the vehicle until the Crime Scene Unit fully processes the vehicle. Barring any holds on the vehicle by the investigating detective, the vehicle may then be released to the owner, if available.
2. If the Crime Scene Unit is unable to respond in a timely manner and the vehicle needs to be impounded for evidence recovery, the vehicle will be towed to the Denver Vehicle Impound Facility. Vehicles will not be towed to the DIA Parking Management Impound Lot for processing of evidence. See OMS 205.01(12).

106.07 PHOTOGRAPHIC EVIDENCE

(1) GENERAL GUIDELINES:

- a. Officers assigned to the Traffic Investigations Unit will be responsible for ensuring that an adequate number of photographs are taken of accident scenes under their investigation. Crime Lab personnel will be utilized to photograph any serious injury or fatal accident scene as deemed necessary by the assigned investigating officer of the Traffic Investigations Unit.
- b. Photographic equipment such as digital cameras, and/or video cameras issued to a division, district, section or unit are to be used to document visual evidence and other appropriate police business. When documenting visual evidence in serious crime scenes, Crime Lab personnel will be utilized. In instances where a response by the Crime Lab is not appropriate, officers will use the equipment assigned to their division, district, section or unit. This equipment may also be utilized to document department-sponsored public relations or ceremonial events. Utilization of department photographic/video equipment for other than official police business is prohibited.
 1. When officers, other than personnel from the Crime Lab, photograph/video any portion of any scene, or document any evidence, these images will be surrendered promptly to the detective in charge of the investigation for inclusion in the case. In the event there is no detective assigned (County Court cases), these images will be placed into evidence for later use in court.
 2. Department owned photographic/video equipment, and all images produced thereby, remain the sole property of the Denver Police Department. Officers are strictly prohibited from reproducing, displaying, or distributing these images (either digital or photographic) in any manner except for official purposes. Written approval of a command officer is required prior to using department images as training aids.
 3. The use of personal cameras/video by any officer acting in an official capacity at crime scenes, accidents, or natural disasters is expressly forbidden. Officers, on or off-duty, who gain access to any scene on the basis of their status as an officer, will be deemed to be acting in an official capacity. In the event personal equipment is used in an emergency to document perishable evidence, those images produced will be considered case evidence and governed by the provisions in the section above. All such images will be surrendered to the detective or investigative supervisor in charge of the case at the earliest possible convenience.
 4. Officers who have been trained in the use of the Axon Capture software may collect evidentiary digital photos and videos using this smart phone application. Officers will only use the photography and videography tools from within the application and will not store photos or videos on the phone otherwise. These digital items will be tagged like a Body Worn Camera recording, in a manner consistent with OMS 119.04(4)(f), and are exempt from storage in the Evidence and Property Section as otherwise required in this section. Officers will ensure the software indicates a successful upload to evidence.com.

- c. Officers will instruct all doctors, medical examiners, or paramedics who may be at the site of a homicide, not to disturb the scene or the body in any manner until all necessary photographs have been taken. Photographs may be disqualified as evidence if the original scene is altered in any way.
- d. Photographs will be taken at the scene of all homicides, suicides, and questionable deaths. Video documentation will be at the discretion of the officer in charge of the investigation. Photographs of victims of sexual assault, aggravated assault, child abuse, and other personal injury cases will be taken by Crime Lab personnel at the photo studio located at the Crime Lab. The investigating detective or supervisor must be present when photographs are taken for presentation in court. If the victim is female, a female city employee will be present at all times when photographs are taken. Crime Lab personnel will not be dispatched to victim's homes or to any hospital without prior approval from a Crime Lab supervisor or commander.
- e. Personnel assigned to the Forensic Imaging Unit are responsible for specialized photography, such as micro, macro, and copy photography.
- f. All requests for photographic supplies and services will be processed through the director of the Forensic Imaging Unit.
- g. Photographic equipment purchased through government grants, etc., will be transferred to the Forensic Imaging Unit inventory upon the termination of the unit or agency.
- h. Cameras and recording media will be available to investigating officers when needed. Commanding officers may request that Forensic Imaging Unit personnel provide instruction in the operation of the photographic equipment for personnel under their command.
- i. Processing and printing of recording media will be done by the Forensic Imaging Unit.
- j. Photographs for court will be ordered on "Request for Photos" forms upon receipt of subpoenas. Only the officer assigned to the case will order photos and then only when the case is set for trial. Requests from the Denver District Attorney's Office will be honored. Requests from the Public Defender's Office will be directed to and approved by the commanding officer of the Civil Liabilities Section.
- k. Photographs taken at the scene of riots, disorders, protest demonstrations, marches, or similar incidents will be destroyed after the event if no illegal actions occurred. If illegal actions occurred, only those photographs that would be useful in illustrating the incident, identifying the participants in the illegal activity, or could be used in defending against a civil claim will be retained. Such photographs will be destroyed in the event no criminal or civil proceedings are filed. Photographs or video taken as a means of documenting police actions may be retained with authorization of the Chief of Police.

106.08 RELEASE OF FIREARMS

(1) GENERAL GUIDELINES:

When any person responds to the Police Administration Building for the purpose of obtaining a firearm from the Evidence and Property Section, they will adhere to the following procedure. The Evidence and Property Section allows for third party returns if the owner has signed a notarized release. Under these circumstances both the third party and owner must go through the following procedure:

- a. The Evidence and Property Section release clerk will direct him/her to fill out a Request for Firearms Release (DPD 350).
- b. The release clerk will verify the information provided against the person's identification ensuring that an address and phone number, if available, are provided for later contact. Acceptable identification is deemed as a state driver's license or similar identification with a picture, military identification or passport. The release clerk will advise the requester that a background check

- must be completed, and that he/she will be notified by mail, when and if the weapon maybe picked up.
- c. The release clerk is responsible for completing a background check on the person through the Colorado Bureau of Investigation (CBI).
 - d. If the person is determined to be a "Prohibited Person", the release clerk will notify the requestor. The only information the department may provide to the requestor is the name of the agency (CBI) that completed the background information and to consult with an attorney for legal advice. At no time will the person be given advice regarding the return of their weapon.
 - e. CBI is the only agency authorized to lift the "Prohibited Person" status.

106.09 SHIPPING AND RECEIVING EVIDENCE

(1) GENERAL GUIDELINES:

Shipping and receiving evidence that may require forensic testing to or from outside jurisdictions must be approved by the director of the Forensics and Evidence Division.

- a. The submitting agency will contact the director of the Forensics and Evidence Division and receive instructions for the appropriate packaging and delivery of evidence that may require forensic testing.
- b. Upon approval by the director of the Forensics and Evidence Division, the following steps will be taken to ensure proper evidence handling and chain of custody:
 1. All evidence that requires forensic testing must be shipped directly to the Evidence and Property Section with a copy of the approval form and instructions received by the director of the Forensics and Evidence Division.
 2. The evidence must be delivered by a company that uses a valid U.S. or international air bill that must be signed and dated by the recipient upon arrival. Authorized companies include:
 - United States Postal Service
 - United Parcel Service
 - Federal Express
 3. The air bill tracking document will become part of the official case record as proof of chain of custody between the submitting agency and the Denver Police Department.
 4. When shipping evidence to other agencies, the Evidence and Property Section will use the same procedure. A valid United Parcel Service account is maintained for shipping purposes.
 5. Upon receipt of evidence, the Evidence and Property Section will contact the assigned investigating officer and place the evidence into the Evidence and Property Section under the appropriate case number.



107.00 SEARCH AND SEIZURE

REVISED: 02/26/2019

PAGE: 1 OF 21

107.01 SEARCH WARRANTS

(1) CONSTITUTIONAL LAW:

Amendment IV of the Bill of Rights in the Constitution of the United States is as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(2) CONSTITUTIONAL REQUIREMENTS:

The Constitution prescribes the following requirements for any search and seizure pursuant to a search warrant:

- a. The premises to be searched;
- b. Particularly described; and
- c. That the affiant swears or affirms that they have probable cause to believe the specific property is on the premises and give the reasons for this belief.

(3) DEFINITION:

Search Warrant: A search warrant is an order in writing; in the name of the state, signed by an authorized judicial officer, directing a peace officer to search for, and seize, the property listed on the premises named. NOTE: See OMS 107.05 for immediate entry search warrants.

- All search warrants and affidavits for search warrants must be read and approved by the affiant's supervisor prior to presentation to a prosecutor or judge. The reviewing supervisor will print their name, badge number, and date/sign their name at the end of the affidavit to indicate their review. (See OMS 107.01(9) a. for emergency situations.)

(4) ISSUANCE AND GROUNDS - CRS §16-3-301:

- a. A search warrant authorized by this section may be issued by any judge of a court of record.
 - b. A search warrant may be issued under this section to search for and seize any property, which:
 - Is stolen or embezzled; or
 - Is designed or intended for use as a means of committing a criminal offense; or
 - Is or has been used as a means of committing a criminal offense; or
 - The possession of which is illegal; or
 - Would be material evidence in a subsequent criminal prosecution in this state or in another state; or
 - The seizure of which is expressly required, authorized, or permitted by any statute of this state; or
 - Is kept, stored, maintained, transported, sold, dispensed, or possessed in violation of a statute of this state, under circumstances involving a serious threat to public safety or order, or to public health; or
 - Would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding.
-

- c. A search warrant may be issued under this section to search for any person for whom a lawful arrest warrant is outstanding.

(5) APPLICATION:

When officers make application to any court (e.g., search warrants, arrest warrants, Rule 41.1, and associated documents such as search warrant envelopes, sealed search warrant envelopes, return and inventory, etc.), officers will place the General Occurrence (GO) report number on those documents.

- a. If an existing location for the GO number does not exist on the document, officers will hand write or type: "Denver Police Department GO#" and note the GO number for the investigation.
- b. A search warrant will be issued only on an affidavit sworn to or affirmed before a judge and relating facts sufficient to:
 - 1. Identify or describe, as nearly as may be, the premises, person, place, or thing to be searched;
 - 2. Identify or describe, as nearly as may be, the property to be searched for, seized, or inspected;
 - 3. Establish the grounds for issuance of the warrant, or probable cause to believe that such grounds exist; and
 - 4. Establish probable cause to believe that the property to be searched for, seized, or inspected is located at, in, or upon the premises, person, place, or thing to be searched.
- c. The affidavit required by this section may include sworn testimony reduced to writing and signed under oath by the witness. A copy of the affidavit, and a copy of the transcript of testimony taken in support of the request for a search warrant, will be attached to the search warrant filed with the court.
- d. Procedures governing application for and issuance of search warrants consistent with this section may be established by rule of the Supreme Court (CRS §16-3-303).

(6) CONTENTS:

- a. If a judge is satisfied that ground for the application exists, or that there is probable cause to believe that such grounds exist, he/she will issue a search warrant, which will:
 - 1. Identify or describe, as nearly as may be, the premises, person, place, or thing to be searched;
 - 2. Identify or describe, as nearly as may be, the property to be searched for, seized, or inspected;
 - 3. State the grounds or probable cause for its issuance; and
 - 4. State the names of the persons whose affidavits or testimony have been taken in support thereof.
- b. A search warrant may also contain such other and further orders as a judge deems necessary to comply with the provisions of a statute, charter, or ordinance, or to provide for the custody or delivery to the proper officer of any property seized under the warrant, or otherwise to accomplish the purposes of the warrant.
- c. Unless the court otherwise directs, every search warrant authorizes the officer:
 - 1. To execute and serve the warrant at any time; and
 - 2. To use and employ such force as is reasonably necessary in the performance of the duties commanded by the warrant (CRS §16-3-304).

(7) DIRECTION (EXECUTION AND RETURN):

- a. CRS §16-3-305:
-

- (1) Except as otherwise provided in this section, a search warrant will be directed to any officer authorized by law to execute it in the county wherein the property is located.*
- (2) A search warrant issued by a judge of a municipal court will be directed to any officer authorized by law to execute it in the municipality wherein the property is located.*
- (3) Any judge issuing a search warrant, on the grounds stated in CRS §16-3-301, for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported may make an order authorizing a peace officer to be named in the warrant to execute the same, and the person named in such order may execute the warrant anywhere in the state. All sheriffs, coroners, police officers, and officers of the Colorado State Patrol, when required, in their respective counties, will aid and assist in the execution of such warrant. The order authorized by this subsection (3) may also authorize execution of the warrant by any officer authorized by law to execute it in the county wherein the property is located.*
- (4) When any officer, having a warrant for the search of a person or for the search of any motor vehicle, aircraft, or other object which is mobile or capable of being transported is in pursuit thereof and the person, motor vehicle, aircraft, or other object crosses or enters into another county, such officer is authorized to execute the warrant in the other county.*
- (5) It is the duty of all peace officers into whose hands any search warrant comes to execute the same, in their respective counties or municipalities, and make due return thereof. Procedures consistent with this section for the execution and return of search warrants may be provided by rule of the Supreme Court.*
- (6) A search warrant will be executed within fourteen days after its date.*

NOTE: See OMS 107.05 for immediate entry search warrants.

- b. The senior officer present when a search warrant is executed on any city property (or at property involving any city official or city employee) will immediately notify his/her supervisor, who will immediately notify the commander of the involved division.
- c. Officers executing a search warrant outside the City and County of Denver will contact the law enforcement agency of the county or municipality where the search warrant execution will occur, and prior to the execution of the search warrant, officers will request their presence at the location of execution. Officers will obtain authorization from a DPD command officer in the following scenarios:
 1. When the notification is impractical, or when no officer from the law enforcement agency of that county or municipality is available to respond.
 2. When notifying the law enforcement agency of the county or municipality where the search warrant is to be executed impacts the integrity of the investigation.
 3. Exceptions to this policy include (above):
 - CRS §16-3-305 (3)
 - CRS §16-3-305 (4)

(8) PROBABLE CAUSE:

- a. The affiant must present to a judge facts and information of the specific case that are sufficient for issuance of a warrant.
- b. Probable cause to support the issuance of a search warrant must exist at the time the warrant is sought.
- c. The affiant must state the reasons for the belief that contraband is in the named building, avoiding conclusions, and the judge must find that there is probable cause for this belief.

- d. That probable cause exists, if the facts and circumstances known would warrant a prudent person to believe that the offense has been committed.
- e. When application is made for a search warrant, all investigating officers will be required to keep detailed notes showing grounds for issuance and probable cause.
- f. The officer may rely upon information received through an informant, rather than upon direct observations, to show probable cause.
 - 1. The informant's statement or information must be reasonable, corroborated by other matters within the officer's knowledge.
 - 2. When information is received from a reliable informant, the affidavit should state that the informant is a person whose information in the past has proven to be reliable. Also, state the area in which he/she has given information and the number of times. The former reliability of the informant is reasonable corroboration on the part of the officer.
 - 3. Probable cause is not sufficient when an informant who is new and not one with whom an officer has dealt with in the past merely provides information. The information must be corroborated by some independent investigation or knowledge on the part of the officer.
 - 4. When a new informant supplies information, the officer must corroborate this information and state these facts in the affidavit.

(9) AFFIDAVIT FOR SEARCH WARRANT (DPD 370):

- a. The affiant's supervisor and the Denver District Attorney's Office must review and approve (in person, by telephone, or by email) all affidavits for search warrants and search warrants before presentation to a judge. If an emergency arises which precludes district attorney review, the affiant must obtain the approval of a sergeant or higher-ranking officer. Reviewing supervisors will print their name, badge number, the date, and sign their name at the end of the affidavit and search warrant to indicate review.
- b. An affidavit for a search warrant is a single copy form. If the space provided on a Search Warrant Affidavit (DPD 370) is insufficient to document the grounds for issuance of a warrant, an Affidavit, Continued (DPD 370C-1) may be used.
- c. After preparing the original copy, the affiant will make a photocopy of the form. The affiant will present both the original and the photocopy to the judge for signature.
- d. Prepare additional photocopies of the affidavit as needed. The affiant will ensure the primary investigator assigned the original investigation of the offense receives a copy of the Search Warrant Affidavit (DPD 370), the Search Warrant (DPD 371), and the Return and Inventory (DPD 373) after the search warrant is executed.
- e. Occasionally, information related to an investigation is crucial. When critical and sensitive information exists, the officer can request to seal the search warrant and affidavit. When requesting a sealed search warrant and affidavit, the affiant will include a paragraph detailing the need for sealing the warrant and affidavit in the body of the affidavit. The district attorney and judge must concur with the reasons for sealing the warrant.

(10) SEARCH WARRANT (DPD 371):

- a. A search warrant is a single copy form. After preparing the original copy, the affiant will make a photocopy of the search warrant. The affiant will present both the original and the photocopy to the judge for signature. The affiant will provide the judge with a regular size envelope.

The judge, after signing the affidavit and search warrant, will:

 - 1. Place one copy of the affidavit (DPD 370), and the Search Warrant (DPD 371), in the envelope provided by the affiant.
 - 2. Seal the envelope and place his/her initials or signature across the sealed flap.

3. Give the envelope and the other signed copies of the affidavit and search warrant to the affiant for execution.
- b. When obtaining a sealed warrant and affidavit, the affiant will provide the judge with an envelope for a Sealed Search Warrant and Affidavit (DPD 692).
 1. The judge and the affiant will sign and complete the face of the envelope.
 2. The affiant will place the sealed warrant and affidavit into the envelope.
 3. The judge will seal the envelope and place his/her initials or signature across the sealed flap.
 4. The affiant will keep the envelope for return to the court with the completed Return and Inventory (DPD 373) as outlined in section (11).
- c. Except for the procedure for sealed warrants outlined in (10) b, the affiant will forward the sealed envelope containing the original of the affidavit and warrant to the Denver County Court Administrative Office, Room #108, City and County Building.
- d. The affiant will make additional photocopies of the search warrant as needed. Leave one photocopy of the search warrant with the person, premises, vehicle, or business searched. Never leave a copy of the affidavit.
- e. The affiant will make prompt return on all search warrants, whether or not there was a seizure of property. If property seizure occurs, the affiant/executing officer will make a written inventory of the property. When there is no property seizure, the affiant/executing officer will make a notation to that effect on the return and inventory.
- f. Rule 41 of the Colorado Rules of Criminal Procedure states, "A search warrant shall be executed within 14 days after its date".

(11) RETURN AND INVENTORY (DPD 373):

- a. The Return and Inventory form is a two-part form.
 1. The affiant will send the original to the Denver County Court Administrative Office, Room #108, City and County Building, after making additional photocopies for the Property Management Section and for any case filings.
 2. The affiant/executing officer will provide the second copy to the person from whom, or from whose premises or vehicle the property seizure occurred, along with a copy of the search warrant.
 - b. The affiant/executing officer will accurately describe the property seized on the Return and Inventory form (DPD 373).
 - c. After the execution of the search warrant, the affiant will send the original of the return and inventory, together with copies of the affidavit and the search warrant, in a sealed envelope and send them to the Denver County Court Administrative Office, Room #108, City and County Building.
 1. After the execution of a sealed search warrant, the affiant will place the original of the Return and Inventory, together with copies of the affidavit and the search warrant, in a second Sealed Search Warrant and Affidavit (DPD 692). The affiant will present the second envelope to the judge issuing the original search warrant. The judge and the affiant will sign and complete the face of the envelope. The affiant will place the sealed warrant, affidavit, and return and inventory into the envelope. The judge will seal the envelope and place his/her initials or signature across the sealed flap. The affiant will place both sealed envelopes (DPD 692) together and send them to the County Court Administrative Office, Room #108, City and County Building.
-

- d. When placing seized items in the Property Management Section, the affiant/executing officer will complete only the top part of the Property Invoice and Receipt (DPD 122) and attach a photocopy of the Return and Inventory (DPD 373).

(12) CONSENT TO SEARCH (DPD 372):

- a. The validity of a consent to search, whether it is made orally or in writing, will be based on the elements outlined in CRS §16-3-310.
- b. When oral or written consents to search are given, the credibility of the consenting party may become an issue during a trial or on any motion for suppression of evidence.
 - In addition to the required body worn camera activation (OMS 119.03), officers should try to have more than one witness, either another officer or citizen, present at the time of the oral or written consent to search, the signing of the waiver, or at the time of the actual search.
 - Officers must clearly inform any person whom they are seeking consent, that they are under no obligation to allow police to search (voluntary), and that they can refuse the request (right of refusal).
- c. Any articles seized will be itemized on the bottom portion of the Consent to Search (DPD 372). One copy of the Consent to Search Form will be provided to the person granting consent to search. All items confiscated during the search will be booked into the Property Management Section.

(13) SUMMARY:

A search warrant will be secured unless there is an emergency which calls for immediate action. If there is not time to secure a search warrant, and it is necessary to search a person or a place immediately, the following will be carefully noted:

- a. With a warrant of arrest or grounds to make an arrest without a warrant, officers may:
 - 1. Search the person at the time of the arrest.
 - 2. Seize articles which they attempt to conceal.
 - 3. Seize articles which they have on their person.
- b. With a warrant of arrest or grounds to make an arrest without a warrant, officers must not:
 - 1. Search the person before arresting them. A search for weapons during the physical arrest process is appropriate. A search incident to arrest (commensurate with a lawful arrest) is appropriate.
 - 2. Search first and then arrest the suspect because of what the search reveals.
- c. Absent a stop and frisk situation, when there is not a warrant of arrest and there is no probable cause to arrest without a warrant, officers may not conduct a search of a person without his/her consent. The stop and frisk exception would be a stop based on reasonable suspicion, combined with a separate reasonable and an articulable belief that a search of the person for weapons is necessary to maintain safety (stop and frisk).
- d. To search premises:

With an arrest warrant or grounds to make an arrest without a warrant, officers may:

 - 1. Make a reasonable search of the area where the person is arrested, provided the search is made at the time of the arrest and the search is confined to the immediate vicinity under their control, which means within their reach, lunge or grasp.
 - 2. Seize any object which the suspect attempts to conceal.
 - 3. Seize other articles suggestive of other criminal activities uncovered in the search, even though they do not relate to the offense for which the suspect is being arrested.

4. Make a search of the area if the suspect gives consent and has proprietary rights to do so.
- e. With an arrest warrant or grounds to make an arrest without a warrant, officers must not:
 1. Rummage on or about the premises, looking for whatever may be discovered, regardless of its connection with the offense for which the arrest is made.
 2. Attempt to search premises belonging to the suspect, or to which they have a right of possession or control other than the immediate vicinity where they are arrested.
- f. Without an arrest warrant or grounds to make an arrest, and if an arrest is not made, officers may search the premises with probable cause that supports exigent or emergent (threat to life or limb) circumstances.
- g. Without an arrest warrant and without grounds to make an arrest, and if an arrest is not made, officers must not:
 1. Make such a search if officers have an opportunity to secure a search warrant before making the search, even though probable cause exists.
 2. Make such a search if officers have only a suspicion that the criminal activity is present.
- h. If officers have secured a search warrant, they should be sure that:
 1. The search is made only at the times provided for in the warrant.
 2. Only the premises described in the warrant are searched.
 3. The search is conducted in strict compliance with the warrant.
 4. Only the articles described in the warrant are seized, unless contraband items are discovered and that an inventory of the articles seized is prepared at the location of the search and signed by the officers executing the warrant and witnessed, and a copy left with the owner or left at the place of the search. If additional items which were not in the original warrant are to be seized, it is necessary to refresh the warrant through the Denver District Attorney's Office and the judge.

107.02 WARRANTLESS SEARCHES OF MOTOR VEHICLES

(1) GENERALLY:

Officers are authorized to conduct a warrantless search of a vehicle immediately after arresting or stopping a motorist only under the following circumstances:

- a. The arrestee is unsecured and within reaching distance of the passenger compartment at the time of the arrest; or
- b. It is reasonable to believe that evidence relevant to the crime for which the person was arrested might be found in the vehicle; unless one of the other exceptions to the Fourth Amendment's warrant requirement is applicable.

(2) SEARCH WARRANT:

If an officer cannot search the vehicle immediately after an arrest, and believes that it contains evidence, or has information that a vehicle contains evidence, he/she should obtain a warrant.

(3) CONSENT TO SEARCH:

If the driver, when asked, willingly opens the trunk, or allows the vehicle to be searched, any evidence found is lawful. The validity of a consent to search, whether it is made orally or in writing (DPD 372), will be based on the elements outlined in CRS §16-3-310 and The officer must inform the person with apparent or actual authority to provide permission for a search, that they may refuse consent.

(4) SEARCH INCIDENT TO VEHICLE IMPOUNDING – SEE OMS 205.01.

(5) LOCKED TRUNK OR GLOVE COMPARTMENT:

Whenever possible, an officer will open a locked trunk or glove compartment by means of a key rather than by force. If keys are not available, instructions will be obtained from a supervisor as to the method of gaining access.

107.03 PLAIN VIEW DOCTRINE

(1) GENERALLY:

To seize property as evidence in plain view, officers must fulfill the following three conditions:

- a. The officer must be legally in a place from which the object could be plainly viewed.
- b. The object's incriminating character must be immediately apparent.
- c. The officer must have a lawful right of access to the object itself.

107.04 SEARCH AND SEIZURE OF ELECTRONIC RECORDING DEVICES

(1) PURPOSE:

This policy provides officers with guidance for situations in which they become aware of electronic recordings of serious crimes or police activity, to include videotaping, audio taping, and/or digital methods of recording, by members of the public or the media.

(2) DEFINITIONS:

Recording: Capturing of images (still or video), audio, or both, by means of a video camera, cell phone, audio recorder, or other device.

Media: The storage source for visual or audio recordings, whether by film, analog, or digital means.

(3) RIGHTS OF THE PUBLIC TO OBSERVE AND RECORD POLICE ACTIVITIES:

Members of the public, including but not limited to media representatives and bystanders, have a First Amendment right to observe and record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others. Officers should assume that they are being recorded at all times when on -duty in a public space.

There are additional federal protections - Privacy Protection Act, 42 U.S.C. 2000aa(a) for persons who are creating work product for dissemination to the public – for example: video footage for a web site, newscast, etc. See section (5) g. of this policy.

- a. Persons who are in public spaces or locations where they have a legal right to be present—such as their home, a place of business, the common areas of public and private facilities and buildings, and areas such as parks and sidewalks, have a First Amendment right to record things in plain sight or hearing, to include police activity.
- b. Officers may not threaten or intimidate individuals who are recording police activities, nor will they discourage or interfere with the recording of police activities. However, the right to observe and record is not absolute and is subject to legitimate and reasonable legal restrictions, as follows:
 1. A reasonable distance must be maintained from the officer(s) engaged in enforcement or other police duties. Persons recording police activities are allowed to be in the same location as other members of the public. If a person recording police activities is deemed unreasonably close, officers should clearly communicate this to the person before any enforcement action is taken. Verbal advisements by officers may prevent the need for police action.
 2. Persons engaged in recording activities may not obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging an officer with questions or interruptions as a means of obstruction. Recording and/or overt verbal criticism, insults, or name-calling may be distracting or offensive, but does not of itself justify an officer taking corrective or

enforcement action, or ordering that recording be stopped. To do so would be an infringement on an individual's right to protected speech.

3. A person may not attempt to enter any crime scene, private property, or other location under lawful police control and/or not normally accessible to the general public.
4. A person may not threaten any other person by words or actions.
5. A person may not interfere with the enforcement of law, ordinance or traffic code.
6. A person may not attempt to incite an immediate breach of the peace or incite others to commit a violation of the law.
7. Recording must be conducted in a manner that does not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.
8. The safety of officers, victims, witnesses, the person recording the activities, and third parties cannot be jeopardized by the recording party. Protections also extend to other individuals' privacy rights, such as the need to protect a victim (for example: sexual assault, child abuse) or confidentiality (such as the identity of a confidential informant or undercover officer). In such cases a person who is recording may be asked to leave the immediate area of the individual being recorded (or a large perimeter could be established).

(4) ARRESTS - OFFICER AND SUPERVISOR RESPONSIBILITIES:

- a. Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and advised as to acceptable alternatives (such as moving back) and given a reasonable opportunity to change their behavior, when appropriate, prior to making an arrest.
- b. An arrest of a person who is recording officers in public will be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest.
- c. An arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files or images requires a search warrant. Files and media will not be erased under any circumstances.
- d. When possible, officers will notify a supervisor of any incident in which an individual recording police activity is going to be, or will most likely be, arrested. Supervisory response and approval is preferable prior to a physical arrest (when reasonably possible) and required before transport and processing.
- e. Supervisors will ensure that proper procedures are followed in all situations involving the detention or arrest of a person who is recording officers. In the event of an arrest, officers will note in their probable cause statement the name of the supervisor who gave authorization for the arrest. When a supervisor declines approval for an arrest, the officer(s) will note the supervisor's name on their log sheet. If the officer did not seek a supervisor's approval prior to the arrest, the officer should explain why such notification was not possible.

(5) SEARCH AND SEIZURE OF RECORDING DEVICES AND MEDIA – OFFICER AND SUPERVISOR RESPONSIBILITIES:

- a. Warrant requirement:
Absent the arrest of the recording party, recording equipment and media may not be confiscated without a warrant or exigent circumstances. Additionally, officers may not order an individual (whether or not in custody) to show recordings of enforcement actions or other police operations. When consent is not granted or available, a warrant must be obtained or there must be a clear exigency in order to examine and/or copy a recording. The chain of custody and exigency must be clearly documented on a GO report.
-

b. Request for consent:

If there is probable cause to believe that evidence of a serious crime has been recorded, an officer may advise and receive instructions from a supervisor. At their own discretion or at the direction of a supervisor, a request for consent to search and/or seizure of the recording equipment or media may be initiated by the officer. At no time will any department personnel implicitly or explicitly coerce consent for search and/or seizure of equipment or recorded material.

c. Verbal consent procedures:

When an officer desires only to view recorded material (without seizing equipment or media) and seeking written consent is not practical, verbal consent may be sought. When seeking verbal consent, the officer must advise the person in possession of recorded material that consent is voluntary, and that they have the right to refuse. The reason why it was not practical to obtain written consent must be clearly documented.

d. Written consent procedures:

When practical, officers will seek written consent to search and/or seize a recording or media. Prior to conducting a search and/or seizure, officers will complete a Consent to Search and Seize a Cell Phone, Tablet, PDA, Computer, or Electronic Storage Media (DPD 812). The form should be explained in entirety to the involved person. The person with the recorded media and a witness must sign the form prior to a search and seizure.

1. If a search with consent is conducted at the scene, every reasonable effort will be made to limit the scope to data, images or videos specific to the investigation. Photographs, data or other recordings unrelated to the scope of the search will not be intentionally viewed.
2. If a forensic search by the Investigative Technology Section is necessary, due to technology limitations, all data from the device may become visible to the examiner. A forensic search of media will not be limited to a specific file, image or video. To the degree possible, personnel conducting a forensic search will attempt to identify and extract files or data specific to the investigation.
3. In all instances of surrendered or seized equipment and/or media, the officer taking custody will give the bystander his/her business card, noting on it a description of the property received, CAD number, and the date, time and location. The officer will inform the person that such property will be retained for a reasonable period of time until no longer needed for court or evidentiary purpose.
4. As an alternative to physically seizing equipment or media (when practical and appropriate) the officer may request that the person in possession voluntarily transmit (while in the presence of the officer) the images, files or sound via text message or email to the officer's official government email account. The officer should wait a reasonable period of time to verify that the email or text with attachments was received. Some attachments may be too large for the current email system. In such cases, it may be necessary for the device or media to be examined by police forensic experts.
5. When equipment or media is consensually seized for later examination, items will be processed according to Property Management Section procedures and the officer will complete a Technical Electronic Support Unit Request Form (DPD 745) in addition to other required reports.

e. Procedures when consent is not granted:

A supervisor will respond to the scene of any incident when there may be a need to search or seize recording equipment or media without a warrant or lawful consent. (NOTE: This does not include arrests where possession of recording equipment or media is unrelated to the offense)

charged and will not be searched – for example; a person in possession of a cell phone with no evidentiary value is arrested for a warrant).

The supervisor will ensure that the following actions are completed:

1. The supervisor will ask the person in possession of the recording if he/she will consent to voluntarily and temporarily relinquishing the recording device or media so that it may be viewed and/or copied as evidence. At no time will department personnel implicitly or explicitly coerce consent for search and/or seizure of equipment or media. If verbal consent is given, procedures outlined in Section (5) c. of this policy will be followed.
2. Absent consent, the supervisor will evaluate whether there is sufficient cause to seize the equipment or media for immediate search, or to seize the equipment or media for a search subsequent to issuance of a warrant. Exigent circumstances and procedures outlined in Section (5) f. of this policy will be followed in making this decision. All other applicable procedures contained in this policy will also be followed. If the equipment or media is not seized, a warrant may be sought at a later time.
3. In all instances of seized equipment and/or media, the officer taking custody will give the bystander his/her business card, noting on it a description of the property received, CAD number, and the date, time and location. The officer will inform the person that such property will be retained for a reasonable period of time until no longer needed for court or evidentiary purpose.
4. When equipment or media is seized for later examination, items will be processed according to Property Management Section procedures and the officer will complete a Technical Electronic Support Unit Request Form (DPD 745) in addition to other required reports.

f. **Exigent Circumstances:**

Officers must clearly and thoroughly articulate exigent circumstances. Exigent circumstances do not apply when recorded media is thought to contain images of police activity only, in which case recordings may be accessed only through voluntary consent or a warrant. Exigent circumstances related to recordings of evidence of a serious crime are as follows.

When it is objectively reasonable to believe:

1. That immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be confiscated and viewed. When circumstances permit, a supervisor will be consulted prior to confiscation and viewing. Even with this exigency, photographs, data or other recordings not related to the exigent purpose will not intentionally be reviewed; or
2. That the recording will be destroyed, lost, tampered with, or otherwise rendered useless as evidence before a warrant can be obtained, the recording device or media may be temporarily confiscated. A supervisor will be consulted and have final authority concerning the seizure of equipment or media. In cases where equipment or media is seized for later examination with a search warrant, items will be processed according to Property Management Section procedures; or
3. That a device contains evidence of a serious crime and there is probable cause to believe that the owner or someone else has the immediate capacity to remotely erase its contents, an officer may conduct a search. When practical, a supervisor will be consulted for authorization to conduct an immediate search of equipment or media. Even with this exigency, photographs, data or other recordings not related to the investigation will not intentionally be reviewed.

g. **Federal Privacy Protection Act exceptions – material recorded for public dissemination:**

When an officer reasonably believes that recordings are being made for the purpose of dissemination to the public, such as news footage, publication on a web site, in a newspaper, book, broadcast, etc., the Privacy Protection Act of 1980 42 U.S.C. §2000aa, restricts use of search warrants and instead generally requires a subpoena.

In the following rare and fact specific situations, a subpoena is not necessary to seize the device but a search warrant is required to view the recordings unless exigent circumstances are present (See Section f. of this policy):

1. There is reason to believe that the immediate seizure of such materials is necessary to prevent death or serious bodily injury; or
2. There is reason to believe that the time necessary to obtain a subpoena would result in destruction, concealment, or alteration of the materials; or
3. There is probable cause to believe that a person possessing such materials has committed or is committing the crime to which the materials relate (for example, child pornography).

Unless one of these exceptions applies, officers are advised to instead write a detailed GO report, titled "LETTER TO DETECTIVE" for follow up with the Denver City or District Attorney's Office. Civil damages can be the result of violating this Act.

- h. Whenever a recording device or media is seized without a warrant or obtained by consent, the item will be held in police custody no longer than reasonably necessary for officer(s), acting with due diligence, to obtain a warrant. The device or media must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved.

(6) ABANDONED RECORDING DEVICE OR STORAGE MEDIA:

- a. When an officer finds or is given an abandoned cell phone, camera, electronic storage device, etc., the officer will take the item to the Property Management Section and follow procedures regarding Personal and Found Property. Officers have the same responsibility to safely return a cell phone, camera, electronic storage device, etc., to its rightful owner as with any other item that is not contraband or a weapon.
- b. The inventory search at the Property Management Section is limited to only the identifying information within the device in order to complete a Property Owner Notification Card (DPD 351).

107.05 NARCOTICS INVESTIGATIONS AND IMMEDIATE ENTRY SEARCH WARRANTS

(1) POLICY:

It is the policy of the Denver Police Department that any request for an immediate entry search warrant will be limited to reasonable concerns for either:

- The safety of police officers, people who may be in or near the area, and the potential suspects; or,
- The likelihood of destruction of evidence - to apply for an immediate entry search warrant, the affiant must conclude that there exists a reasonable suspicion that knocking and announcing the presence of the police would be dangerous or futile, or that it would inhibit effective investigation of the crime.

(2) DEFINITIONS:

Immediate Entry Search Warrant: A warrant that does not require officers to make their presence known to the occupants of a building or residence prior to entry.

Knock and Announce Warrant: A warrant that requires officers to first knock on the outer entrance and announce their identity and intentions prior to entering a building or residence. Officers are permitted to forcibly enter if no response is received in a reasonable time, or if there are indications the occupants are:

- Attempting to flee, or
- Destroying evidence or contraband, or

- Arming themselves

(3) NARCOTICS DETECTIVES (INVESTIGATIVE SUPPORT AND DISTRICT):

Vice/Narcotics Section and district narcotics detectives are the experts in drug affidavits and search warrants. As such, their expertise may be utilized by other department personnel.

- a. Narcotics Detectives as On-Call Experts - Vice/Narcotics Section and district narcotics detectives and supervisors specializing in narcotics are assigned and designated to serve as on-call liaisons to all non-narcotics unit personnel. Vice/Narcotics Section and district narcotics personnel are responsible for the following:
 1. To be readily available to respond and advise.
 2. To field all requests for technical assistance, including, but not limited to:
 - Use of confidential informants
 - Controlled purchases of narcotics
 - Affidavit and search warrant application
 - Execution of search warrants
- b. Vice/Narcotics and district narcotics detectives will supervise the use of confidential informants in the following manner:
 1. Any officer or detective not assigned to the Vice/Narcotics Section or a district narcotics unit, who wishes to utilize a CI as an investigative tool for a search warrant for drugs, must contact the appropriate narcotics detectives within their section or district.
 2. The narcotics detective must supervise the officer and CI.
 3. The officer or detective and narcotics detective must meet in-person with the CI.
 4. For controlled purchases or other direct investigation, the narcotics detective must first approve the investigation and be present while it is conducted.
 5. The officer or detective and narcotics detective will assess pertinent factors to determine whether an immediate entry or a knock and announce warrant is most appropriate.
 6. Should the investigation produce evidence to justify an application for an immediate entry search warrant, the narcotics detective will supervise the preparation of the affidavit and search warrant.
 7. The narcotics detective and affiant will be present for the execution of the search warrant.

(4) FACTORS TO SUPPORT AN IMMEDIATE ENTRY SEARCH WARRANT:

- a. Safety:

The primary and fundamental consideration is safety. An affiant must carefully evaluate the potential danger to:

 - Police officers executing the search warrant
 - Others who may be in the area when the search warrant is executed
 - Occupants of the premises to be searched
 - Suspects
 - b. Probability of Violence:
 1. The Criminal History of the intended target(s). The affiant must obtain a criminal history (NCIC, CCIC, and "Denver Rap Sheet") for any intended target(s), and evaluate:
 - Prior arrest(s) for drug offenses (increasing the likelihood of destruction of evidence)
 - Pending felony case(s)
 - Prior arrest(s) for weapon offenses
-

- Prior arrest(s) for violence (assaults, threats, etc.)
 - Prior arrest(s) for resistance or interference with police officers
 - Prior arrest(s) for domestic violence related crimes
 - Arrest warrant(s) for escape
- 2. **Gang Affiliation:**
If a suspect has known or potential gang affiliation, the affiant must contact the Gang Section to determine their involvement. When a suspect is a known gang member, the affiant should also research prior acts of violence by this suspect and the gang. Gang membership (as a sole consideration) is not sufficient reason for an immediate entry warrant.
- 3. **Mental Health:**
The affiant should investigate to determine whether the suspect has any history and documentation of mental health issues. This research should also include a determination of the suspect's prior history of drug and alcohol abuse.
- 4. **Ownership of Weapons:**
The affiant should investigate whether the suspect(s) or others in the target location have purchased any firearms or other weapons.
- c. **Potential for the Destruction of Evidence:**
If a real potential exists for the destruction of evidence, the affiant must articulate this concern.
- d. **Assessment of the Intended Target Location:**
The affiant must evaluate:
 - 1. The likelihood of the destruction of the evidence as entry is made.
 - 2. Potential threats and danger to neighbors, nearby businesses, and any schools in the area.
 - 3. Whether the intended location is fortified. This may include the use of surveillance equipment and the use of mail slots or drop boxes for transactions.
- e. **Type of Drugs and Business:**
 - 1. What is Being Sold? The affiant must consider and evaluate the potential for the destruction of the drugs.
 - 2. Type of Business - Sporadic relatively small quantity sales versus consistent heavy volume traffic versus infrequent sales of larger quantities.
- f. **Methods of Operation:**
 - 1. The use of lookouts.
 - 2. Product sales techniques.
 - 3. Use or ready availability of firearms and other weapons at the targeted location.

(5) PROCEDURE:

If, after carefully evaluating all safety concerns, an officer is convinced that a request for an immediate entry search warrant is reasonable, then any officer may follow the procedural requirements listed below. Any request for an immediate entry search warrant will include the following:

- a. **Review and Approval** - All immediate entry search warrants must be reviewed before presented to a judge. Although the review process varies, at a minimum, for all officers below the rank of lieutenant, the approval and signature of the immediate supervisor and a deputy district attorney is required before presentation to a judge.
-

1. Any request for an immediate entry search warrant should clearly state that it is a request for immediate entry. Any such request should include the following:
 - On the first line of the first page of the affidavit, in the center of the page, in bold type and in capital letters: **AFFIDAVIT IN SUPPORT OF IMMEDIATE ENTRY SEARCH WARRANT.**
 - A final paragraph with the heading in bold type and in all capital letters: **BASIS FOR THE REQUEST FOR IMMEDIATE ENTRY SEARCH WARRANT.** Immediately following this heading, the affiant will clearly detail factors supporting the request for an immediate entry warrant.
2. Every search warrant that seeks an immediate entry should clearly state that the search warrant authorizes an immediate entry into the premises to be searched. Any such search warrant should include the following:
 - At the top, center, in bold type, and all capital letters on each page of the search warrant: **IMMEDIATE ENTRY SEARCH WARRANT**
 - Immediately preceding the authorizing judicial officer's signature, in bold type and all capital letters: **IMMEDIATE ENTRY SEARCH WARRANT**
 - The authorizing judicial signature placed in a clearly designated box, which states in bold type and all capital letters: **IMMEDIATE ENTRY SEARCH WARRANT IS AUTHORIZED**

NOTE: If the authorizing judge finds probable cause to search, but that an immediate entry is not justified, the judge may sign the search warrant, but not the immediate entry designation.

(6) APPLICATION PROCESS FOR AN IMMEDIATE ENTRY SEARCH WARRANT:

Officers NOT assigned to the Vice/Narcotics Section or a district narcotics unit seeking an immediate entry search warrant may apply through the following procedure:

- a. When investigating a felony drug offense, requirements are:
 1. Immediate supervisor review of the affidavit and search warrant. If the affidavit and search warrant are factually, legally, and procedurally acceptable to the supervisor, he/she will approve the documents by placing signature, badge number, date, and time on the final page of the affidavit.
 2. The officer/detective and supervisor must then present a hard copy of the affidavit and warrant to the appropriate Vice/Narcotics Section or district narcotics detective.
 3. The assigned narcotics detectives will review hard copies of the affidavit and search warrant. If the affidavit and search warrant are factually, legally, and procedurally acceptable, the narcotics detective will approve by signature, badge number, date, and time on the final page of the affidavit.
 - If the affidavit or warrant is found to be deficient by the assigned narcotics detective, the application will be halted until corrections are made. The detective must note the deficiencies and/or recommendations for further investigation on the back of the first page of the affidavit along with his/her name, badge number, date, and time. If the affidavit and proposed search warrant are submitted after corrections, the officer must also submit the refused and revised documents to the same narcotics detective.
 4. After the signed approval of the immediate supervisor and the narcotics detective, the officer will present hard copies of the affidavit and search warrant to a designated or on-call deputy district attorney or chief deputy district attorney.
 - a. The designated or on-call deputy district attorney or chief deputy district attorney will carefully review hard-copies of the affidavit and search warrant. If the

- affidavit and search warrant are factually, legally, and procedurally sufficient, the reviewing deputy district attorney or chief deputy district attorney will approve by signing, dating, listing the time, and registration number on the last page of the affidavit.
- b. If the affidavit or warrant is found to be deficient by the reviewing deputy district attorney or chief deputy district attorney, the application will be halted until appropriate corrections are made. The reviewing deputy district attorney or chief deputy district attorney must note the deficiencies and/or recommendations for further investigation on the back of the first page of the affidavit along with his/her name, date, and time.
 - c. After making the necessary corrections, prior to submission to the reviewing deputy district attorney or chief deputy district attorney, the affiant must give the refused and revised documents to the same narcotics detective who gave prior approval. Additionally, the affiant and the same narcotics detective must obtain the approval of the immediate supervisor of that narcotics detective, before submission of the revised documents to the reviewing deputy district attorney or chief deputy district attorney.
 - d. After the necessary corrections are made, and approved by the narcotics detective and that detective's supervisor, the officer must submit the refused and revised documents to the same reviewing deputy district attorney or chief deputy district attorney.
5. After the approval of the immediate supervisor, the narcotics detective, and a deputy district attorney or chief deputy district attorney, the affiant will present the affidavit and search warrant to a Denver County Court judge.
- a. If the affidavit or warrant is found to be deficient by the judge, the affidavit and warrant application will be halted until appropriate corrections are made.
 - b. Prior to submission to a judge, the affiant must obtain the approval of: the same narcotics detective; that detective's immediate supervisor; and the same reviewing deputy district attorney or chief deputy district attorney.
 - c. If the affidavit and proposed search warrant are resubmitted after corrections, the officer must submit the refused and revised documents to the same Denver County Court judge.
- b. If the same narcotics detective, reviewing deputy district attorney or chief deputy district attorney, and/or the judge are not available for the second review, then the refused affidavit (with the notes from the original refusing reviewer) and the revised affidavit must be submitted to another narcotics detective, deputy district attorney or chief deputy district attorney, and/or judge for review.
- 1. The circumstances surrounding the unavailability of the same reviewer will be noted in the supplemental report.
 - 2. Detectives assigned to the Vice/Narcotics Section or a district narcotics unit. Detectives investigating felony drug cases must follow the same procedure as set forth above, with the exception that they do not need to obtain approval from another narcotics detective.
 - 3. Investigations other than Drug Cases seeking an Immediate Entry Search Warrant. Officers investigating a felony case other than drugs should follow the same procedure as set forth above; with the exception the officer does not need to obtain approval from a Vice/Narcotics detective. Instead, the assistance and approval of a detective from the affected section must be obtained prior to submitting the application to the designated or on-call deputy district attorney or chief deputy district attorney.
-

- Prior to submission of any corrected affidavit and warrant to the reviewing deputy district attorney or chief deputy district attorney, the affiant must tender the documents to the same supervisor who gave the prior approval. Additionally, the affiant and the supervisor must obtain the approval of a commander in the affected Section.
- 4. Any officer designated as a supervisor or command officer not assigned to an investigative section or unit will follow the procedure as set forth above.

(7) METRO/SWAT:

a. Immediate Entry Search Warrants (No-Knocks):

METRO/SWAT will execute ALL immediate entry search warrants.

1. Any request for METRO/SWAT to execute an immediate entry warrant should be made to a METRO/SWAT sergeant (or higher rank) no later than eight (8) hours after judicial approval.
2. The requesting officer will supply the METRO/SWAT supervisor with the affidavit and search warrant.
3. The METRO/SWAT supervisor should ensure the information regarding the targeted location is correct. NOTE: Every affidavit should include a summary of the investigation and facts that conclusively demonstrate that the targeted location is the correct location.

b. Knock and Announce Search Warrants:

The supervisor of the affiant will determine the level of participation METRO/SWAT will have in the execution of a “knock and announce” search warrant. METRO/SWAT should serve as an on-call expert and supervisors are encouraged to contact METRO/SWAT for assistance in executing this type of warrant.

- A METRO/SWAT supervisor may determine, for officer safety, that facts and circumstances justify application for an immediate entry search warrant. In such cases, the METRO/SWAT supervisor will consult with the supervisor of the affiant. If no resolution can be reached, the issue will be pursued and resolved through the chain of command, up to the Deputy Chief. The warrant will not be executed until the issue is resolved.

(8) EXECUTION AND FOLLOW-UP:

If an officer obtains approval for an immediate entry search warrant, that search warrant must be executed within seventy-two (72) hours of judicial approval.

- a. Exceptions: If an extension is granted, an immediate entry search warrant will be executed within one hundred and twenty (120) hours of judicial approval. To be granted an exception to seventy-two (72) hour execution rule, the affiant must obtain the approval of:
 1. The supervisor who first approved the documents
 2. Where applicable, the narcotics detective (or immediate supervisor) who approved the documents
 3. A command officer
 4. The same DA (or immediate supervisor) who approved the documents
 - b. Extension Requests: Any request for extension will be written on an Extension Request, stating the reasons for the request and will contain signature lines for the reviewers noted above.
 - c. Extensions – Approved: If an exception to the seventy-two (72) hour execution requirement has been approved, a forty-eight (48) hour extension may be granted. If the immediate entry search warrant is not executed within the extension period (one hundred and twenty (120) hours from judicial approval), then a new immediate entry affidavit and search warrant must be obtained.
-

- d. The investigating detective will scan the following related documents into the Records Management System and maintain them as an after-search case file:
 - Affidavit
 - Search Warrant
 - Inventory and Return
 - Any requests for extension
 - METRO/SWAT Immediate Entry Search Warrant Report
 - The case supplemental report noting the number of arrests, weapons, and narcotics recovered because of the warrant.
 - e. After-Search Case File – Requirement:

Within seventy-two (72) hours of the execution of all immediate entry search warrants, or within seventy-two (72) hours after the expiration period for execution of an authorized immediate entry search warrant, the affiant must submit a full “After-Search Case File.” This file should include a detailed narrative accounting of the search process. When a search warrant is not executed, a detailed written report will be made to explain why.
 - f. After-Search Case File – Required Documents:
 - 1. Affidavit
 - 2. Search Warrant
 - 3. Inventory and Return
 - 4. Any requests for extension
 - 5. METRO/SWAT Immediate Entry Search Warrant Report
 - g. METRO/SWAT Immediate Entry Search Warrant Report – Contents:

Completion of a METRO/SWAT Immediate Entry Search Warrant Report will replace the requirement to complete an After Action Report (DPD 286), and a Forced Entry Report. A METRO/SWAT Immediate Entry Search Warrant Report should include the following:

 - 1. Target location address.
 - 2. Name of notifying party (usually the affiant).
 - 3. Date and time of notification.
 - 4. Special problems with target location (i.e., fortification, presence of children, elderly, etc.)
 - 5. All preparations during the time period between judicial approval of the search warrant and execution of the warrant.
 - Examples of preparation should include surveillance, scouting method, and tactical preparation
 - 6. Briefing time and location.
 - 7. Personnel involved in warrant execution:
 - Supervisor(s)
 - Entry team and assignments
 - Perimeter team and assignments
 - 8. Detailed narrative explaining what, if any, violence or injury (including potential) occurred during execution of the immediate entry warrant.
 - 9. Description of the method of entry including the use of diversionary devices.
 - 10. Description of injuries to officers, suspects, or victims during the execution of the warrant.
-

11. The number of weapons found during the search, and location, proximity to occupant(s), and availability of the weapons.

h. After-Search Case File – Distribution:

Within seventy-two (72) hours of the executed immediate entry search, or the expiration of the search warrant, copies of the “After-Search Case File,” as described above, will be distributed to:

1. The investigating officer’s criminal case file (discovery)
2. The affiant’s immediate supervisor and/or the supervisor who approved the affidavit and search warrant
3. Where applicable, the Vice/Narcotics Section or a district narcotic detective who approved the affidavit and search warrant.
4. The deputy district attorney or chief deputy district attorney who approved the affidavit and search warrant
5. The Judge who authorized the search warrant
6. The commanding officer of the Vice/Narcotics Section (who will keep records of all immediate entry search warrants for semiannual reporting).
7. The commanding officer of METRO/SWAT
8. The commander of the affected district
9. Civil Liability Section
10. Commander of the Investigative Support Division
11. Division Chief of Investigations
12. Deputy Chief
13. Chief of Police
14. Executive Director of Safety

i. Semi-Annual Report:

The DPD will issue a semi-annual summary of immediate entry search warrants executed. The Chief of Police will issue this semiannual written report, with input and contributions from the Vice/Narcotics Section and METRO/SWAT.

Distribution - This report will be distributed as follows:

- The Mayor
- The Executive Director of Safety (available to all DPD officers)
- The Denver District Attorney
- The Presiding Judge of the Denver County Court (available to all county court judges)
- Available for public inspection

(9) IMMEDIATE ENTRY WARRANTS FROM OUTSIDE AGENCIES:

a. Officers or detectives from outside agencies who request assistance in executing an immediate entry search warrant must:

1. Have the original affidavit reviewed by a designated or on-call Denver deputy district attorney or chief deputy district attorney who will note the approval by signing, noting the date, time, and registration number on the affidavit.
 2. Present the affidavit and search warrant to a METRO/SWAT supervisor within eight (8) hours of judicial approval.
 3. Have the warrant executed by METRO/SWAT who will have total control over the tactical execution.
-

4. Execute the warrant within three (3) business days of judicial approval, unless a two (2) business day extension is obtained pursuant to procedures outlined in this section.
- b. The METRO/SWAT Immediate Entry Search Warrant Report must be completed by a METRO/SWAT supervisor and distributed per the procedure.

107.06 RULE 41.1 – COURT ORDER FOR NON-TESTIMONIAL IDENTIFICATION

(1) DEFINITIONS:

Offense: Any felony, class 1 misdemeanor, or other crime punishable by imprisonment for more than one year.

Non-testimonial identification: Includes, but is not limited to, identification by fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, specimens of material under fingernails, or other reasonable physical or medical examination, handwriting exemplars, voice samples, photographs, appearing in lineups, and trying on articles of clothing.

(2) RULE 41.1:

Rule 41.1 of the Colorado Rules of Criminal Procedure provides for the following when obtaining an order for non-testimonial identification.

- a. Any judge of the Supreme, District, Superior, County Court, or Court of Appeals may issue this order.
- b. Officers can make an application request for a non-testimonial identification order when they have probable cause that a crime occurred and reasonable suspicion not amounting to probable cause that a specific person committed the crime, prior to the arrest of the suspect.
- c. A court will issue an order only on an affidavit or affidavits sworn to or affirmed before a judge and establishing the following grounds for the order:
 1. That there is probable cause to believe that an offense has been committed;
 2. That there are reasonable grounds, not amounting to probable cause to arrest, to suspect that the person named or described in the affidavit committed the offense; and
 3. That the results of specific non-testimonial identification procedures will be of material aid in determining whether the person named in the affidavit committed the offense.
- d. Upon a showing that the grounds specified in section (2) c. exist, a judge will issue an order directing any peace officer to take the person named in the affidavit into custody to obtain non-testimonial identification. If completed, the officer will release such person or charge them with an offense.
- e. An order to take a person into custody for non-testimonial identification will contain:
 1. The name or description of the individual who is to give the non-testimonial identification;
 2. The names of any persons making affidavits for issuance of the order;
 3. A description of the criminal offense supporting the issuance of the order and the specific non-testimonial identification procedures the officer will conduct;
 4. A mandate that directs the officer receiving the order to detain the person for only such time as is necessary to obtain the non-testimonial identification;
 5. The typewritten or printed name of the judge issuing the order and signature of the judge.
- f. Any peace officer or other person designated by a judge may conduct a non-testimonial identification procedure. Medically trained personnel will supervise blood tests, and a judge may require medical supervision for any other test ordered pursuant to this section when the judge deems such supervision necessary. Officers will not detain any person who appears under an order of appearance (issued pursuant to this section) longer than is reasonably necessary to

- conduct the specified non-testimonial identification procedures, unless the officer arrests the person for an offense.
- g. The officer must execute and return the order within fourteen (14) days after its date of issuance.
 - h. Officers will only execute the order in the daytime unless the issuing judge endorses on the order that the officer may serve it at any time (because it appears that the suspect may flee the jurisdiction if not served immediately). The officer must supply information supporting this conclusion within the affidavit of the order.
 - i. The officer executing the order will provide only a copy (not the affidavit) of the order to the person served. The officer will not provide a copy of the affidavit to the person served.
 - j. Except for a protective search for weapons, an officer will conduct no search of the person given an order for non-testimonial identification, unless the officer also has a separate search warrant authorizing a search of the person.
 - k. Upon execution of the order or expiration of the fourteen-day period, whichever comes first, the officer will make a return to the issuing judge showing whether the person named has been:
 - 1. Detained for such non-testimonial identification;
 - 2. Released or arrested
 - l. The limits of a Rule 41.1 are to non-testimonial identification evidence only. The order does not authorize an officer to pursue or acquire testimony or other communications protected by the privilege against self-incrimination.
 - 1. While detaining an individual to obtain the non-testimonial sample, officers cannot question or interrogate the person.
 - 2. Officers can seek consent to conduct an interview after completing the execution of the order and releasing an individual from custody.
 - 3. If an officer arrests an individual after executing a non-testimonial order, the officer may question them per OMS 301.02.

107.07 WRIT OF HABEAS CORPUS

(1) GENERALLY:

Courts issue a Writ of Habeas Corpus to obtain the presence of a person in court – either as a witness or a defendant - when the person is incarcerated somewhere other than Denver, or in Denver with a non-Denver hold. The Denver Sheriff Department is responsible for executing a Writ of Habeas Corpus.

108.00 - EMERGENCY PROCEDURE PLAN

108.01 Emergency Procedure Plan

- (1) Multi-alarm fires, explosions, plane crashes, cave-ins, drownings, or any emergency situation requiring the employment of a large number of officers shall be considered major emergencies. Determination for activation of this procedure and the calling out of the mobile communications van, shall rest with the Division Chief of Patrol or the District Commanding Officer, upon notification by the Commanding Officer of the Communications Bureau.
- (2) Tactical Alert Phases
 - a. Tactical Alert Phase I
Phase I will consist of any emergency situation which can be handled at the district level.
 - b. Tactical Alert Phase II
Phase II will be put into effect whenever violence may develop or is imminent.
 - c. Tactical Alert Phase III
Phase III will only be put into effect by the Chief of Police.
 1. Notifications for assignments will be made by the Division Chiefs for their respective divisions.
 2. All districts, divisions, and units will operate on the basis of two (2) twelve-hour (12) shifts from 0700 to 1900 hours and from 1900 to 0700 hours. All days off, off-duty work, vacation, and sick leave time will be automatically canceled.
- (3) The Chief of Police will request assistance from other jurisdictions and/or the National Guard when in his judgment our personnel and facilities cannot handle the emergency.
 - a. Definitions:
 1. Department Commander - Chief of Police
 2. Field Task Force Commander - Division Chief of Patrol
 3. Field Commander - This will usually be the District Captain
 4. Emergency Operations Center (EOC) - The department command post under a Tactical Alert Phase III will be in Room 3, Emergency Preparedness Office, City and County Building.
 5. Field Command Post - The physical headquarters of command in a specific tactical area.
 6. Intelligence Officer - Will be the Denver Police Intelligence Bureau Commanding Officer.
 7. Administrative Commander - Deputy Chief of Police
 8. EOC Dispatcher - A Denver Police radio dispatcher
 9. Staging Areas - The primary staging areas for the Denver Police Department and the National Guard will be the junior high school(s) immediately adjacent to the area.
- (4) Duty Assignments and Functions
 - a. Patrol Division - Affected area
District Commander - The district commander of the district within which an incident has occurred, shall assume personal responsibility for the direction of police operations in the affected area.
 1. They shall inform the Patrol Division Chief of the current situation.
 2. They will designate a senior officer as district station commander in the absence of the district commander.
 3. They will report to the scene and assume field command.
 - b. Field Command

1. Field command authority and responsibility: A field commander has complete authority and responsibility for conducting operations within their tactical area.
2. Field Commander: The succession of command will be the highest ranking officer attending, as follows:
 - a. The senior patrol officer of the police department in which the major portion of the incident occurred or exists, who is present at the scene.
 - b. The senior sergeant or lieutenant of the police district in which the major portion of the incident occurred, or exists, who is present at the scene.
 - c. The commander of the police district in which the major portion of the incident occurred, or exists.
- c. Field Commander - The field commander is responsible for the following special duties:
 - 1 Command Post - Establishing a field command post.
 2. Communications - Providing for approval of all communications originating at the command post.
 3. Perimeter - Directing establishment of a perimeter.
 4. Requisitions - Requisitioning personnel and equipment.
 5. Dispersal Orders - Initiating dispersal orders in the affected area.
 6. Public Information - The field commander will assign an officer to be a public information officer who will be responsible for disseminating information to the various news media in the field.
 7. Evacuation - Initiating evacuation warnings.
 8. Situation Reports - Insuring all significant tactical and situational changes within the tactical area of responsibility are reported to the Communications Bureau for transmittal to the Chief of Police.
 9. Recommending to the Chief of Police via the Communications Bureau the need for relief forces.
 10. Coordinating with elements of other departments.
 11. The field command post and the Communications Bureau shall maintain a log of their respective operations. The log shall be a summarized chronicle of all significant information relative to the emergency.
 12. Causing a final comprehensive written report and critique of the operation to be made for presentation to the Patrol Division Chief and the Chief of Police as soon as practicable following the securing of the occurrence and affected area.
 13. Maintaining duty assignment records for all personnel committed to the emergency.
 14. Assuring that appropriate department reports are made on injured or ill personnel in the affected area.
- d. Traffic Operations Officer
 1. The senior Traffic Operations officer will report directly to the field commander and acting in liaison with the field commander, shall be responsible for the following:
 - a. Vehicle traffic control
 - b. Establish and maintain open routes to and from affected area for additional emergency response personnel
 - c. Establish and maintain ingress and egress routes to and from the affected area and hospitals
 - d. Designate a traffic officer to survey concerned area utilizing best possible means available
- e. Operations Officer

1. The operations officer will be a supervisory or command officer assigned by the field commander and is responsible for the following functions:
 - a. General policing of the involved area.
 - b. Coordination of operations section activities with other field sections and the Communications Bureau.
 - c. Planning for operational strategy and tactics.
 - d. Preparation of operational orders and, upon arrival, their distribution.
 - e. Control of missions assigned to field tactics.
 - f. Continuous appraisal of the tactical situation.
 - g. Tactical deployment of field units.
 2. The operations officer is responsible for the following special duties:
 - a. Acting as field commander in the absence of the field commander.
 - b. Issuing written or verbal operational orders to implement directives of the field commander.
 - c. Requesting necessary personnel and material from the appropriate section. Giving copy of assignment of personnel to personnel section.
 - d. Suggesting organization and deployment of tactical units to the field commander.
 - e. Establishing priorities for issuance of special equipment in coordination with the logistic officer.
 - f. Assignment and attachment of specialists in coordination with the personnel officer.
 - g. Handling of civilian casualties.
 - h. Booking and dispositions of found property and evidence.
- f. Supply Officer
1. The supply officer will be the Division Chief of Technology and Support. This officer plans, coordinates, and supervises field activities pertaining to the supply function.
 2. The supply officer is responsible for the following special duties:
 - a. Providing and maintaining the equipment, supplies, facilities, and other services required by the field forces.
 - b. Safeguarding private property removed from the affected area.
 - c. Assigning sufficient personnel to carry out the functions of the supply section.
 - d. Ascertaining the scope of field operations which are in effect or anticipated, and obtaining sufficient amounts and types of supplies.
 - e. Appointing a field stores officer and a field transportation officer.
- g. Emergency Operations Center (EOC) Representative
1. During a Tactical Alert Phase III or any other actual or simulated emergency, which necessitates the activation of the EOC, the Chief of Police or his designee will respond to the EOC and represent the Denver Police Department.
 2. The EOC, when activated, will be the department command post.
 3. The EOC representative, operating under the authority of the Chief of Police, will direct emergency police operations and have at his disposal the full resources of the department for the duration of the emergency.

108.02 Procedure for Implementing Emergency Procedure Plan

- (1) The first police officer to arrive at the scene of an incident will contact the Communications Bureau and request that a supervisor be dispatched to the scene. If additional help is required, the first officer at the scene will give their location, car number and name, and specify an estimated number of vehicles or officers believed necessary to bring the emergency under control.
 - a. The supervisor who responds to the scene will recommend the Tactical Alert that should be considered for making the necessary notifications to implement the plan.
 - b. The dispatcher in the Communications Bureau will forward this recommendation to the Patrol Division Chief, or if absent, to the district commander on duty who will specify the Tactical Alert.
- (2) The supervisor of the Communications Bureau will immediately implement the alert in the emergency procedure plan that is indicated after notification from the Patrol Division Chief or the district commander on duty.
- (3) Channel 1 is hereby designated as the emergency channel.
 - a. Channel 1 dispatch positions have direct lines to all necessary city and state offices.
 - b. All police units and all monitors in other city offices have Channel 1 capabilities.
- (4) The supervisor, acting supervisor or dispatcher of the Communications Bureau as necessity dictates, may direct all or any part of the police units on a given radio channel to temporarily change radio channel assignments. The foregoing will apply to any emergency or catastrophic situation, parade, sporting event, plane crash, civil disturbance, or any situation that requires sufficient air time that routine police business is hampered.
- (5) The first car from the affected district will be the communications vehicle, until relieved by the mobile communications van. They will remain with the vehicle at all times and maintain a log of all vehicles reporting to the incident and their locations. They will also keep the radio dispatcher informed of all cars and personnel at the scene of the incident. In effect, the mobile communications van has become the field command post. This location can be changed at the discretion of the field commander. In a Phase III Tactical Alert the department command post will be in room 3, Emergency Preparedness Office, City & County Building, while the field command post will be in the communications van. At this time, radio communications shall be handled as directed, from mobile van, police radio room, or department command post by the Chief of Police or his designee.
- (6) No vehicles will respond to the incident unless specifically assigned by the dispatcher. All unassigned officers are to remain in their respective precincts and, in the event of any terrorist activity, be particularly alert to any critical areas such as shopping centers, schools, and any public utilities.
- (7) The initial and primary responsibility of any officer taking command at the scene of an emergency is to immediately evaluate the extent of the emergency situation and take immediate and necessary steps to insure that adequate manpower and equipment are made available.
- (8) Arrested persons will be brought to a designated staging area by the arresting officer.

108.03 Denver International Airport (DIA)

- (1) General Responsibilities of the Denver Police Department:
 - a. Establish disaster site security
 - b. Control established disaster site response routes
 - c. Control disaster site access points
 - d. Provide crowd control as required
 - e. Control established staging area for responders and the inner and outer perimeters of the disaster site.
 - f. Provide escort assistance to disaster site as required.
 - g. Provide mobile command post representative
 - h. Provide Incident Command Center representative
 - i. Provide vehicular traffic control on all airport public roads, as required by disaster

- j. Provide security, as required, at any established medical triage area and disaster site morgue
- k. Assist and coordinate with other participating agencies involved in the disaster to minimize its impact to the safety and welfare of the public
- l. Correlate activities with other participating agencies so normal services can be restored as quickly as possible.
- m. Officers not regularly assigned to the Airport Police Bureau, responding to a red alert or other emergency at DIA, will be under the command of the Airport Police Bureau commander in charge of the incident.

(2) Emergency Red Alert

- a. Upon receiving notification from DIA Emergency Dispatchers of an impending Red Alert, the Combined Communications Center shall immediately notify:
 - 1. Supervisory and command officers on duty at all police districts, Traffic, and METRO/SWAT
 - 2. All other necessary notifications as per the Communications Center's standard operating procedures and protocol
- b. The commander of the Airport Police Bureau on duty will request standby assistance from the District 5 Command, and will advise them of the anticipated emergency, routes to be used and directions for any necessary re-routing of traffic to ensure that emergency arteries to DIA are kept open.
- c. Traffic and the METRO/SWAT supervisors and their officers will be requested to respond to DIA for prescribed assignments.

108.04 Terminating an Emergency

- (1) In any emergency situation to which more than one police unit responds, the field command officer at the scene will have the responsibility for ordering police units back to their regular assignments when there is no more need for them at the scene.
- (2) Police vehicles ordered back to regular duty will immediately switch back to their normally assigned radio channel and notify the dispatcher.
- (3) When police vehicles are relieved at the scene of the incident, the field commander will notify the dispatcher.
- (4) When the emergency itself is terminated and all police vehicles and personnel are to resume normal operations, the field commander will notify the dispatcher.

108.05 Applicable Laws Pertaining to Emergencies

- (1) The following city charter, municipal ordinance, and state statute sections indicate the legal authority available in dealing with emergencies in this jurisdiction.
- (2) These ordinances and statutes will cover many circumstances that might be encountered.
 - a. City and County of Denver Charter (Sections A.1-4 et seq.)
 - b. Municipal Ordinances: Appropriate Sections
 - c. Colorado State Statutes: Title 18
 - d. Federal Statutes: Appropriate Federal Agency

108.06 Notifications

All notifications to affected personnel will be made consistent with the emergency notification list of the Communications Bureau.

108.07 National Guard Emergency Designations - N-Nora

- (1) Police radio communication will be established with the Colorado National Guard under emergency, or impending emergency situations only, and then only upon the direct order of the Chief of Police or an authorized representative, and in accordance with the emergency plans set forth for the Denver Police Department.
- (2) When activated, or when in a standby status, the Colorado National Guard will have possession of two four channel police radio units only. One of these will be under the control of the commanding general, and the other will be a police vehicle loaned for the emergency, under the control of the commanding officer. National Guard officers will have radio communication with their own forces by National Guard network.
- (3) All radio calls, orders, requests, and contacts to or with other National Guard units will therefore channel through one or both of these National Guard officers.
- (4) In general, a police officer, equipped with police radio equipment, will be in company with each National Guard unit placed in service at our request or direction.
- (5) Colorado National Guard command personnel will, under emergency conditions, be monitoring the police radio through their own or other systems.
- (6) By arrangement with the national guard, the alpha numerical designations listed herein will be functional in the operation of police radio station KAA 511 if units of that organization are employed under the control or direction of, or if functional assignments are requested by this department.
- (7) Numerical designations are generally the same as those employed for police department identification of units.
- (8) Double Alpha designations are used in the area of emergency support (NORA-BAKER), and special service assignment (NORA-VICTOR). Units which may be so assigned will then be identified first by organization (N-NORA) secondly by functional assignment (B-BAKER) for support or V-VICTOR for special service), and numerically by unit.

108.08 Crowd Management Policy

- (1) Policy
 - a. The Denver Police Department policy regarding crowd management is to apply the appropriate level of direction and control to protect life and property, maintain public peace and order and to uphold constitutional rights of free speech and assembly.
- (2) General Principles
 - a. The Denver Police Department will seek to improve its ability to manage crowd control events through study of its past experiences and evaluation of incidents occurring in other jurisdictions. Training in crowd management is crucial and shall be an ongoing process. The department's philosophy is to fine-tune procedures and training in order to improve preparation for and response to future events. Consistent with this philosophy a manual will be developed to address various scenarios that may arise in crowd control situations, as well as options for dealing with them.
 - b. Though no single method of dealing with crowds can be universally effective, the principle of establishing contact and communication with the crowd will be embraced by the Denver Police Department.

When dealing with planned events, frequent meetings with sponsors and group leaders are encouraged. In unplanned events, when possible uniformed officers will attempt contact with the group. Despite this philosophy, it is understood that some situations are not conducive to conciliation, and immediate control procedures must be employed. Incident Commanders have the responsibility and discretion to evaluate a situation and act accordingly.

- c. Police personnel must maintain professional demeanor, despite unlawful or anti-social behavior on the part of crowd members. Unprofessional police behavior can inflame a tense situation and make control efforts more difficult and dangerous. Strong supervision and command are essential to maintaining unified, measured and effective police response. A team work-based response with strong leadership is key to maintaining control and safety. Impulsive actions by involved officers are to be avoided.
- d. Identification of areas where the crowd is to be located should be done as soon as possible. Rather than trying to move a large crowd, it is better to place them in the proper location from the start of an event. When possible, police officers should be at their posts well in advance of arriving citizens.
- e. Lines of control should be established, especially in events that involve protestors. Whenever possible, hostile factions should be separated.
- f. Considering the type of crowd involved is an important factor in responding properly to its behavior. Crowds may vary from cooperative or celebratory, to non-compliant and hostile or combative.

(3) Definitions

- a. **Command Post:**
An area designated for the overall control and management of a particular event or incident. Generally it should be within a short distance of the incident, but not within view of crowd participants, or so close as to be adversely affected by the event. Senior ranking officers shall be stationed at the command post. When possible, the Incident Commander will manage an incident from the command post, but is not precluded from responding to the scene to observe the event.
- b. **Crowd Management:**
Techniques used to manage lawful public assemblies before and during the event for the purpose of maintaining their lawful status. This can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
- c. **Crowd Control:**
Techniques used to address unlawful public assemblies, including a display of formidable numbers of police officers, crowd containment, dispersal tactics, (Field Force and Mobile Field Force), and arrest procedures, (isolated events or mass arrests).
- d. **Incident Commander:**
The ranking officer at the scene or en route is responsible to take command of the incident. The Incident Commander (IC) retains overall control of the scene until an announcement over the police radio that a higher-ranking officer is assuming command. Any officer who assumes command must be either present, at the command post, or en route. Personnel responding from other districts, bureaus and units are under the direction and control of the Incident Commander.
- e. **Inner Perimeter:**
A line of control established to contain a crowd or special event to facilitate order maintenance, crowd control and public safety.
- f. **Outer Perimeter:**
The area surrounding the inner perimeter that provides pedestrian and vehicular traffic ingress, egress and parking.
- g. **Planned Event Coordinator:**
A police officer generally of supervisory or command rank designated to plan and coordinate crowd management tasks for a given event. This officer may also serve as an advisor or commander.
- h. **Spontaneous Event or Incident:**
An unplanned or unforeseen event or incident that may create a risk to public safety, peace and order, or damage to property. Such incidents may include but are not limited to crowd disorders, incidents at schools, transportation accidents, bombings, explosions, disasters, major fires, labor disputes, celebratory crowds and organized protests.

- i. Scheduled Event:
An activity involving large numbers of people that requires a permit or is planned and publicized beforehand. Such occurrences may include but are not limited to parades, concerts, religious gatherings, parties, community activities, sporting events, and demonstrations.
- j. Staging Area:
A site selected for the staging of police and emergency personnel. Generally, it should be a short distance from the incident, but ideally not within view of the crowd or event participants. It should allow sufficient space for cars, equipment, personnel, and security.

(4) Responsibilities of Planned Event Coordinator

- a. Gather and analyze information about future crowd events, including review of information from both internal and external sources.
- b. Coordinate with the city permit department and various police department sections, including divisions, districts, bureaus, and special units to prepare for a planned special event.
- c. Meet in advance with event sponsors and group leaders to exchange information and to present the police department's philosophy and intent. Details of the department plan and preparation shall not be disclosed except when necessary to ensure success of the operation.
- d. Coordinate affected divisions, districts, bureaus, and special units to prepare an operational plan for a given event that details assignments, traffic and crowd flow, communications, tactics and training.
- e. Ensure that appropriate equipment is available.
- f. Provide periodic updates to middle and/or senior command staff regarding the status of an upcoming crowd event.
- g. If present at the scene of a crowd event, evaluate the potential for violence and/or unlawful behavior.
- h. Gather post-event information from the affected department divisions, districts, units, and bureaus. Prepare a written critique of the police department's preparation and performance in a given crowd event, including a breakdown of expenses. Present findings and recommendations regarding policies, procedures, training and expenses.
- i. Maintain records of the police department's response to crowd events with the intent to revise and fine-tune policies, procedures and training. When appropriate, arrange for the use of videotape equipment to record crowd behavior and police response.
- j. Provide or recommend and arrange training as needed to various sections of the police department.

(5) Responsibilities of Incident Commander

- a. The senior ranking officer in the district shall respond to the scene of spontaneous events when practical, and take command of the incident. This person will be the Incident Commander (IC) until relieved by a higher-ranking officer. The IC shall declare over the police radio that he or she is in command. When practical, a command post shall be established as soon as possible.
- b. The IC of planned events shall be responsible for the overall coordination of the event, as well as crowd control.
- c. The IC and supervisors shall make every effort to ensure that the police response does not exacerbate the situation. The police response will be commensurate with the overall threat if any, to public safety, order maintenance, life and property. The least police intervention needed to address a particular incident shall be deemed most appropriate. This does not preclude police officers from taking appropriate action to direct crowd and vehicular movement, enforce ordinances and statutes and employ the physical force necessary to maintain the safety of the public and emergency personnel.
- d. An immediate assessment of the situation is essential for effective police response. The Incident Commander must ascertain the following information at the earliest possible time.
 - 1. The location and type of event
 - 2. Are a large number of the crowd participants behaving unlawfully?

3. Are there a limited number of specific individuals engaged in unlawful conduct?
 4. Is there a likelihood that the unlawful behavior will spread to other crowd participants?
 5. Immediate threats to the safety of the public and/or police officers
 6. The structure or vehicle(s) involved
 7. The size of the involved area
 8. The number of additional officers and police resources needed as well as requirements for specialized units (Traffic, Metro/SWAT, Gang Bureau, etc.)
 9. The manner of response (Code 9 or 10)
 10. Location for a Staging Area
 11. Location for a Command Post
 12. Location for a media staging area controlled by a P.I.O. or designee.
 13. Ingress and egress routes
 14. Additional resources needed (paramedic, fire department, barricades, sheriff's buses, command post van, etc.)
- e. Purported First Amendment activities will be evaluated by the Incident Commander, to determine lawfulness of the actions by groups and individuals. Specifically, actions and speech protected by the First Amendment include such things as rallies, marches, parades, and leafleting. Actions or behavior which involve trespassing, destruction of property, disruption of transportation, unlawful use of amplification devices, assaults and disturbances of the peace are not protected by the First Amendment. When appropriate, the City Attorney's Office may be contacted concerning First Amendment issues.
- (6) Police Response
- a. Spontaneous Events or Incidents:
1. **Rescue:** The rescue of endangered innocent citizens or officers is a priority. The Incident Commander and/or supervisors must take necessary steps to effect the rescue of trapped or endangered officers and citizens. Once accomplished, police personnel may be directed out of the immediate area if their numbers are insufficient to maintain control of a given crowd. Effective police action will be taken as soon as adequate resources are available.
 2. **Isolation:** A perimeter to contain the incident shall be established as soon as possible. The Incident Commander and supervisors will ensure that responding officers have clear ingress and egress. Clear instructions will be given via police radio to responding personnel. Depending on the circumstances, both inner and outer perimeters may be established.
 - a Officers posted on perimeters must be given clear instructions regarding:
 1. The movement of vehicles and pedestrians
 2. Whether persons will be allowed to leave the secured area via a designated route or method
 3. How and where individuals or groups are to be evacuated
 - b Ensure that sufficient resources (personnel, barricades, crime scene tape, etc.) are on hand to maintain the integrity of a perimeter. Do not initially establish a perimeter so large that it cannot be secured. As additional resources become available, the perimeter may be expanded.

3. **Communication with participants:** In some crowd situations, contact with formal or informal leaders can be established, either in person or by amplification. Police personnel shall not penetrate an obviously hostile crowd solely for the purpose of communication. When possible, clear instructions shall be communicated to the crowd. Unless there is an immediate risk to public safety, or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with police commands before action is taken. The Incident Commander and supervisors are responsible to ensure that all orders given to a crowd are consistent, lawful, and appropriate for the circumstances. Lower ranking officers may also issue individual orders, consistent with the orders of the Incident Commander, to ensure the immediate protection of themselves, others, or property.
4. **Intelligence:** Observation posts may be established at the discretion of the Incident Commander and supervisors. In addition, plainclothes officers may be used to assess the overall behavior and disposition of a crowd.
5. **Control/Enforcement Actions:** The Incident Commander shall make the final decision as to what control action, if any, will be taken to address a given crowd situation. The police response will be appropriate for the degree of violence, disorder, criminal conduct, and perceived threat to public safety, order maintenance, life, and property. Crowd size and available department resources will also factor into the police response. Uncoordinated actions or actions by individual officers shall be avoided. The below listed factors will be considered prior to determining a course of action.

- b Will police action likely improve the situation?
- c Will targeting specific violent or disruptive individuals for arrest be more effective or appropriate than applying control tactics to the entire crowd?
- d Are sufficient resources available to effectively manage the incident (personnel, tear gas, scout cars, etc.)?
- e Have clear and secure escape routes been established for both the crowd and the police?
- f Has communication been established with the crowd (loudspeaker, personal contact, etc.)?
- g Have backup plans been considered in the event initial police efforts are ineffective?
- h What less-lethal crowd dispersal options consistent with the Use of Force policy are available?

(7) Scheduled Special Event or a planned special event involving potentially large crowds, the police department will:

- a. **Planning:** Upon notification, develop an action plan at the earliest possible time. The police department's plan shall include input and participation from all affected districts, bureaus, and units. This plan will be a written document approved by the Division Chief of the affected division. Coordination of efforts is essential. A written event plan shall be completed and distributed to the affected districts, bureaus, units, and outside agencies well in advance of the event. The following factors will be considered and addressed by personnel developing the action plan for a large crowd event. Information gathering is essential.
- b. What type of event is to occur? Parade, concert, sporting event, community gathering, protest, etc.?
- c. Identity of the organizers. What is their past record of conduct (peaceful, violent, cooperative, etc.)?
- d. Will outsiders visibly and/or physically oppose the planned event?
- e. Will the event involve the use or abuse of alcohol or other substances
- f. Where is the event to occur? Consider the size, location, ingress, and egress points.
- g. What is the optimal site for a command post as well as a staging area should personnel be needed to quell a disturbance or control the crowd.
- h. Have the appropriate permits been issued?

- i. Have other agencies, bureaus and divisions been notified and included in the planning process (paramedics, fire department, communications bureau, etc.)?
- j. Will the EOC be needed?
- k. Will off-duty personnel be involved? Has the commander of off-duty personnel been made part of the planning process?
- l. Is it possible and appropriate to coordinate with group organizers and explain the police department's mission, preparation and potential responses? Information considered sensitive or confidential shall not be released to group organizers if it will jeopardize the safety or effectiveness of police personnel.
- m. Have the proper number of personnel been scheduled to safely handle the event? Should a reserve force be available?
- n. Has an enforcement policy been formulated and communicated to affected personnel?
- o. **Training:** When practical and appropriate, personnel preparing for a large event with the potential for violence shall be retrained, to include physically practicing various aspects of crowd management. Topics may include but are not limited to Field Force, Mobile Field Force, mass arrest procedures, functioning in a tear gas environment, use of non-lethal weapons, applicable ordinances and statutes, protected speech, etc. Drills may be scheduled to measure the effectiveness of assigned personnel. The results will assist in structuring or revising future training.
- p. **Briefing Report:** A written briefing document will be prepared, detailing the objectives of the operation, radio talk-groups, IC and CP telephone numbers, etc. Personnel shall be briefed on their particular assignments before deployment. Instructions shall be communicated to all officers so that confusion is minimized. Information shall be shared with police personnel as far as possible. Specific instructions covering topics such as applicable laws, community concerns, appropriate enforcement actions, chain of command, tactics, traffic patterns, etc., shall be clearly presented to officers. The duties and responsibilities of personnel staffing the command post or OEM shall be defined and communicated. Duplication of efforts and the resulting confusion are to be avoided. Personnel shall be given the necessary authority to carry out their respective missions. Conflicting orders and violations of established lines of authority are to be avoided.
- q. **Deployment:** Personnel shall be deployed to their posts or staging areas with sufficient time before the start of the scheduled event. Supervisors shall ensure that their personnel are punctual and properly equipped. Equipment considerations may include portable radios, batons, mace, helmets, face shields, etc. Supervisors shall also ensure that their personnel are relieved at appropriate intervals.
- r. **Communication:** Sufficient radio talk groups will be dedicated to the event. The Communications Bureau must be included in the planning process, and a determination will be made as to whether a dispatcher will manage or monitor.
- s. **Talk Groups:** Commanders and supervisors shall ensure beforehand that all radios are equipped with the necessary talk groups. Assisting agencies with a need to communicate on Denver Police channels may be issued radios on an as-needed basis.
- t. **Scenario Options:** Personnel creating a plan to address a large crowd event should anticipate a variety of scenarios and devise a police response for each. Such scenarios and responses should be made part of the final plan and communicated to the affected personnel. Consideration should be given to potential worst-case situations.
- u. **Response to outbreaks of violence or disorder:** The same considerations listed in the spontaneous event section shall apply to outbreaks of violence and disorder at scheduled events. The overall Incident Commander shall have the final decision as to what level of police intervention is employed to address a large scale outbreak of violence or disorder.

This shall not preclude actions consistent with orders of the Incident Commander taken by individual commanders, supervisors, and officers to defend themselves or others from imminent harm.

(8) Crowd Control Methods

- a. **Preferred Response:** The preferred police response is one of management rather than control. Nevertheless, control plans should be in place with the option of immediate application if the need arises.
- b. **Tactics:** The following tactics are authorized to address crowd control situations. The general order of application is fluid (escalation and de-escalation) and will change based on the control required, consistent with the department policy of using the minimal police intervention needed to address a crowd management issue.
 - 1. Isolation of the crowd
 - 2. Display of police officers (forceful presence)
 - 3. Order for crowd to disperse
 - 4. Selective arrests
 - 5. Multiple arrests
 - 6. Dispersal (Field Force, Mobile Field Force), tear gas, less-lethal weapons
- c. **Delineation:** Lines of demarcation between authorized and unauthorized civilian areas should be established.
- d. **Isolation of the crowd:** To the degree possible, inner and outer perimeters will be established to isolate the crowd from other geographic areas, persons and vehicle traffic.
- e. **Assignments:** Generally, officers should be assigned to squads of sufficient size to be effective. At larger events, the crowd can be divided into quadrants with a commander in charge of each one.
- f. **Display of Police Officers:** Once this tactic is selected, officers should be assembled in formation at a location outside the view of the crowd. The formation may be moved as a unit to an area within the crowd's view.
 - 1. This tactic should not be used unless there are sufficient personnel to follow through with dispersal. Do not bluff a crowd.
 - 2. If a display of police officers combined with a dispersal order is not effective, more forceful actions may be employed.
- g. **Orders to Disperse:** A loudspeaker or public address system should always be used to increase the likelihood that all crowd members can hear police commands. It is recognized that some crowds are so noisy that loudspeakers may be ineffective. When confronting an unlawful or dangerous crowd, orders to disperse should be made. An order to disperse should not be made unless supported by an applicable municipal ordinance or state statute. The order should be publicly announced as follows:

"I am (name and rank) of the Denver Police Department. All persons assembled are in violation of (City ordinance or state statute - stated in general terms). In the name of the people of the City and County of Denver, I command all of you to disperse. Failure to disperse will subject each of you to arrest and prosecution. The time is ..." (Message does not have to be verbatim)

Establishing points of ingress and egress are essential for the safe and efficient dispersal of crowds. Once dispersal begins, the IC and supervisors must ensure, if at all possible, that clear instructions are given to crowd participants regarding their movements. It is recognized that some crowds may be so violent or uncooperative that clear communication as well as points of egress cannot be established.
- h. **Arrests:**
 - 1. When the only violation present is unlawful assembly, the crowd should be given an opportunity to disperse rather than face arrest. The IC should make an effort to communicate with crowd leaders to explain the violation(s) being committed. If the unlawful behavior is corrected and the Incident Commander is satisfied that there is no longer a threat to public safety, no further action may be necessary.

2. When arrests are necessary, the IC shall ensure that sufficient numbers of police officers are on hand to effect individual or multiple arrests. This tactic can be effective in dispersing the remaining crowd members. Incident Commanders must use discretion in committing arrest teams to penetrate hostile crowds. The safety of police personnel must be considered.

- i. **Dispersal:** The following physical tactics can be employed individually or in combination, to disperse a crowd. The order of application is fluid, (escalation and de-escalation), and will change based on the control required, consistent with the department policy of using the minimal police intervention needed to address a crowd management issue.

A staging area must be established and officers must function as a team under the control of the Incident Commander. The mission is to disperse the crowd as safely as possible. Dispersal tactics may include:

1. Skirmish line (Field Force)
2. Deployment of tear gas
3. Deployment of less-lethal (pepper ball, bean bag, M-26 Taser, etc.)
4. Mobile Field Force

(9) Reporting

The Incident Commander shall ensure that an After Action report is completed for either a planned or spontaneous event, in addition to any other required reports, (Use of Force, Employee Injury, etc.). The Incident Commander shall also ensure that superiors are notified of the incident in a timely manner. The severity and swiftness of the event may dictate when this can be accomplished.

- (10) The Denver Police Department's Crowd Control Manual can be found attached to Department Directive 04-05 for further tactics and strategies.



109.00 RECORDS AND REPORTS

REVISED: 06/04/2019

PAGE: 1 OF 24

109.01 QUALITY REQUIREMENTS

(1) PURPOSE:

The quality of records and reports may be judged by the extent to which they meet departmental and divisional requirements and fulfill their purposes. The general purpose of records and reports is as follows:

- a. To permit supervisory and command officers to become familiar with actions taken, information obtained, results achieved, or conditions existing within the department.
- b. To permit supervisory and command officers to become familiar with the performance and effectiveness of personnel, equipment, and facilities.
- c. To record pertinent facts and information for reference at any future time.

(2) RECORDS AND REPORTS MUST BE:

a. Accurate

Accuracy means the absolute truthfulness and dependability of the information on the report. It requires that the reporting officer make certain of his/her facts before reporting them as facts.

- Information of uncertain accuracy, obtained from an unverifiable source is acceptable if the fact that it cannot be verified is stated.
- Personal beliefs or biases on the part of an officer will not influence the report in any way. If an opinion is stated, it should be qualified by indicating that it is an opinion.

b. Complete

Completeness is defined as the extent to which the record or report includes all the necessary facts, information and data, and meets the requirements for that particular type of record or report.

- An officer will physically sign paper reports and electronically sign computer generated reports with his/her name and serial number.
- All addresses on reports and forms will be complete. A complete address contains building/residence number, street name, city, county, state, and zip code. Types of thoroughfares are to include street, way, place, avenue, east, west, north, south, etc.

c. Neat

Paper reports should be clean and legible with consistent margins and spacing, and contain no noticeable erasures or similar defects.

d. Brief and Concise

Records and reports are to be brief without sacrificing completeness and clarity. Concise statements of the facts and information are expected. Long, drawn out remarks or unnecessary phrases and indirect explanations are to be avoided. Brevity is not to be achieved by omitting pertinent or useful information, but rather by giving that information without the unnecessary use of words.

e. Clear and Understandable

The wording, composition, and arrangement of a report will be such that it is easily understood and that the meanings are perfectly clear.

- Short and concise statements or sentences should be used.
-

- Words of uncertain meaning are to be avoided.
- f. Acceptable in Spelling and Language
Officers must pay particular attention to spelling and sentence structure used in completing reports and records. "Spell check" should be used to assist with quality control when available.
 - Elaborate or artificial language, designed to create an impression, is to be avoided.
- g. Computer Generated or Hand Printed Reports
 - All forms and official correspondence must be computer generated, or hand printed in large characters, properly spaced, with a black ink ball point pen.
 - When completing forms that have more than one copy, a ball point pen must be used with sufficient pressure exerted to ensure that the last copy is clearly legible.

(3) RACE DESIGNATIONS:

The following designations of a person's race will be used on all department forms, records and reports:

- White
- Hispanic
- Black
- American Indian or Alaskan Native
- Asian or Pacific Islander
- Unknown

109.02 ELECTRONIC REPORTS AND FORM NUMBER INVENTORY, DESCRIPTION, AND USAGE

(1) RESPONSIBILITY FOR DESIGN AND PURCHASE OF FORMS:

The Planning, Research and Support Section is responsible for coordinating design, numbering and implementation of all official departmental forms. The Finance Section is responsible for the ordering and purchase of forms.

(2) ELECTRONIC REPORTS:

The following Versadex MRE reports are electronically created and stored within the RMS system:

a. GENERAL OCCURRENCE (GO) REPORT:

General Occurrence reports are used to document non-criminal and criminal events, and arrests, and where required by the operations manual. GO reports will document the crime type in detail, and be accurately completed to entirety. This section does not detail instructions for every possible crime type, but officers are expected to carefully and systematically maneuver through the MRE reporting system, capturing every detail of the reported crime and related information. Supervisors are responsible for reviewing reports to ensure they are complete.

Reports are completed electronically using an MDT or desktop computer, except when an officer is working secondary employment and does not have access to a department computer / MRE system, or when the MRE system is inoperative. In such cases, a paper version referred to as a DPD 250 may be used.

For a more complete understanding of MRE software procedures, see the General Offense User Guide.

1. Other Circumstances Requiring a GO Report:

- a. Non-Traffic Accidents (not involving a motor vehicle), when:
 - The accident occurred on city property

- City personnel are involved
 - The accident is serious in nature or a death may result
 - b. Known or suspected suicide or attempted suicide.
 - c. Known or unknown deaths, including all traffic fatalities
- 2. General Information Requirements:
Lost/Stolen/Damaged Property/Narrative:
A complete description of articles stolen (serial number, size, type, make, color, design, marks, etc.) Methods of positive identification can be a serial number, Social Security or business tax number or a unique mark. Mandatory fields to be accepted by the computer are "type, brand name and serial number."
 - a. Weapons: The make, caliber, type of action, and serial number must be reported to be accepted for data entry.
 - b. Stolen checks, bank notes, bonds, other securities: Describe completely, but assign no value to the items.
 - c. Money orders and travelers checks are treated as cash.
 - d. Lost or Stolen License Plates: Indicate the type of license, state of registration, and plate or temporary permit number in the stolen property section.
 - e. Other items are easily identifiable without a serial number (e.g., jewelry or artwork, etc.). Items of jewelry are often unique because of inscriptions, engravings or design. Reporting complete descriptions increases the case solvability and chances for recovery. Even without a serial number, these items can be entered on the computer system.
 - f. Value: List a reasonable value on stolen property, based on actual secondhand or wholesale values.
 - g. Damaged Property: The property must be accidentally or maliciously damaged as an event in itself, not damage resulting from another criminal incident, i.e. a broken window at the point of entry of a burglary.
 - h. Narrative:
 - This section begins after the stolen/damaged property is listed.
 - Repetition of details already covered will be avoided. All material facts, findings or other pertinent data concerning the offense will be clearly and concisely entered.
 - Use a chronological approach when reporting the details of the offense.
 - When investigating serious crimes, keep the narrative brief to safeguard the investigation.
- 3. Neighborhood Survey:
Neighborhood surveys can be completed on either a GO report or a Supplemental report.
 - a. The purpose of the neighborhood survey is to determine if there are witness(s) to an offense. It is the responsibility of the officer to locate and interview these persons.
 - b. Include all addresses checked, even if no contact is made. Include all persons contacted, making note of those who state they are not witnesses.
 - c. If a witness is located, obtain a statement.

	<p>4. <u>Corrections / Additions:</u> Once a GO report has been approved and routed through the RMS system, no additions or deletions may be made on the original document. Corrections or additional information must be made on a Supplemental Report.</p> <p>5. <u>Sensitive Information:</u> Information concerning evidence in police shootings or homicides, or other information which could compromise an investigation if it became public knowledge should not be included in the General Occurrence report initial narrative (DPD 250). This information must be included in the officer's statement. Reports with information deemed sensitive may be privatized at the discretion of, and with the approval of investigative unit supervisors.</p>
b.	<p>SUPPLEMENTAL / OFFICER OR WITNESS STATEMENT: Used by investigating officers to document follow up information related to an existing General Occurrence (GO) report (paper version referred to as DPD 250A and 250B), or as a statement for officers and witnesses (paper version referred to as DPD 366). Supervisors are responsible for reviewing reports to ensure they are complete.</p> <p>1. When used as Supplemental Report:</p> <ol style="list-style-type: none">It is necessary to give the date and approximate time that investigations are made, providing names, addresses, and telephone numbers of persons interviewed, and information obtained.If an officer interviews several persons in one day concerning one particular case, all information received should be placed on the form. Statements such as "still checking," "still under investigation," and other similar remarks are not acceptable.Supplementary reports must be prepared when property has been recovered or additional information received on a GO report. The value of recovered property must never exceed the value originally appearing in the GO report.Whenever an offense is cleared by arrest and the suspect is apprehended, the suspect's name, age, address and Denver Police Department number must appear on the supplementary report along with the date of the arrest and the charge filed. <p>2. Neighborhood Surveys:</p> <ol style="list-style-type: none">The purpose of the neighborhood survey is to determine if there are witnesses to the offense. It is the responsibility of the officer to locate and interview these persons.Include all addresses checked, even if no contact is made. Include all persons contacted, making note of those who state they are not witnesses.If a witness is located, obtain a statement.
c.	<p>DPD 252B LOST/STOLEN: Used for NCIC entries.</p>
d.	<p>ARREST / BOOKING (AB) SLIP: Documents a person being jailed or cited into court (not traffic citations).</p>
e.	<p>STREET CHECK: Used to record information about vehicles or persons whose appearance, actions, or mere presence at a particular location appear suspicious to an officer. A street check is also</p>

	completed after any arrest when the information may be of value to detectives and other officers. Information entered into the computer system is available to all Denver police officers.
f.	DAILY ACTIVITY LOG (LOGSHEET) <ol style="list-style-type: none">1. All officers in patrol districts, the Gang Section and Traffic Operations Section are required to complete and submit a Daily Activity Log at the end of each work day.2. Supervisors will carefully inspect daily activity logs on a daily basis and will sign their name in the appropriate space. Supervisors will instruct officers in reporting activities as needed.3. Daily Activity Logs will include the following information: Pertinent information on all calls<ol style="list-style-type: none">a. Pertinent information on all on-sight activityb. Information regarding all arrests or order-insc. Statements such as "information received," "parties advised," "settled," etc., will not be acceptable4. In the "Action Class" column, Class 1, 2, or 3 is to be listed. As criteria for the Class 4 action is met, it will be double-coded with 1, 2 or 3<ol style="list-style-type: none">a. "Class 1 actions" are those actions of a police nature, whereby the officer is directed to the activity by:<ul style="list-style-type: none">• Radio dispatch• Police supervisor• Directions from the district station or any subdivision of the departmentb. "Class 2 actions" are those actions of a police nature where the officer finds the actions as a result of:<ul style="list-style-type: none">• Routine patrol• Personal initiativec. "Class 3 actions" are those actions of a non-police nature, such as errands, eating, court, time at garage, etc.d. "Class 4 actions" are those actions which are community work, involving problem solving, crime prevention or community partnership. "Class 4 actions" may be of a police nature when linked to a Class 1 or 2.5. Activity Code - a four letter code describing the nature of the activity.6. Outcome Code - four letter codes used to describe the disposition of the activity. Up to four outcome codes may be used.7. Disposition - will be filled in completely with full details. If necessary, more than one line may be used.8. Recap Section<ol style="list-style-type: none">a. Credit for arrests will be taken only for those arrests made by the officer. Assists on arrests will be noted in the disposition column.b. Recovered units include all vehicles wanted on an official pick-up list. It does not include vehicles towed from an accident scene or for misuse of license plates, etc.9. Daily Activity Logs are to be maintained in their originating stations for 90 days, and then forwarded to the Records Unit for storage.

(3) PAPER FORMS / TEMPLATE - NAMES AND NUMBERS:

These forms include those that are preprinted for handwritten entries or editable by using a computer template. Listed below in numerical sequence are forms in common or general use by the Denver Police Department (list does not include all forms used by DPD). A brief statement of purpose is included with each form title. Forms not listed here may be accessed on the DPD template drive.

DPD 6	BLOOD WITHDRAWAL CONSENT Will be completed prior to the drawing of blood by an authorized health care professional. The original will be placed in the DUI packet. See OMS 202.06.
DPD 8	AUTHORIZATION TO RIDE IN A DENVER POLICE CAR All individuals not exempted by OMS 116.02 must request authorization to ride in a Denver Police vehicle. This form must be completed in duplicate and processed according to the provisions of OMS 116.02.
DPD 12	REPORT OF USE OF FORCE (COMPUTER TEMPLATE) Will be completed in all incidents of firearm discharge, other than in training or for recreational purposes; when an officer takes an official action which results in, or is alleged to result in the injury or death of another person; when a person is injured, or complains of injury; after the use of a non-lethal weapon. NOTE: Incidents in which persons are injured while in custody, or have visible injuries or claim to have injuries sustained <u>prior</u> to arrest, Injury While in Custody and Injury Prior to Arrest Report (DPD 12I) will be used. See OMS 105.03.
DPD 12I	INJURY WHILE IN CUSTODY AND INJURY PRIOR TO ARREST REPORT (COMPUTER TEMPLATE) Completed by the investigating supervisor, this form is used to document when an arrestee was injured while in custody, or was injured or claims to have been injured prior to the arrest.
DPD 14	BREATH ANALYSIS CONSENT FORM Will be completed by arresting officer and/or certified operator. The original will be placed in the DUI packet. See OMS 202.06.
DPD 18	CITIZEN'S NOTIFICATION OF ABSENCE Made in duplicate, original kept in the district station and the duplicate in the precinct car.
DPD 20	AUTHORIZATION FOR VEHICLE Used to obtain a pool car. If vehicle is to be kept overnight, taken out of Denver or used for a special assignment, the form must be signed by a supervisory or command officer. Authorization is not needed for exchange of a defective vehicle.
DPD 21	SERIOUS BODILY INJURY REPORT This form is used to document injuries related to assaults or vehicle accidents and is completed by the attending physician.
DPD 23	EVIDENCE/PERSONAL PROPERTY ENVELOPE Used when property, either evidence or personal property, is taken into custody. For large items, use DPD 309 Personal Property Tag, or DPD 308 Evidence Tags
DPD 23M	MONEY ENVELOPE Tamper-evident plastic envelopes of various sizes used to inventory cash placed in the Property Management Bureau.

DPD 30	HANDGUN PURCHASE AUTHORIZATION A form used by officers when purchasing a handgun for official use. This form, when signed by the officer's commander, exempts the officer from the background check required by Colorado law.
DPD 30H	AUTHORIZED HANDGUN HOLSTERS A list maintained by the Firearms Unit of authorized handgun holsters for on- and off-duty use.
DPD 43	MODIFICATION OF PRISONER HOLD FORM (INVESTIGATIVE PERSONNEL ONLY) Completed whenever charges placed against a prisoner being held in the Denver Detention Center are dropped, added, or changed from investigative status to specific charges, which will notify the authorities in the Detention Center of additional charges being placed against a prisoner or to drop charges that have been placed. See OMS 104.05.
DPD 49	REQUEST FOR TRANSFER To be filled out in triplicate. One copy is kept by the officer's commanding officer, one copy is sent to the command where the transfer is requested, one copy is retained by the officer's deputy chief.
DPD 66	DOCUMENT CONTROL - RECORDS SECTION To be completed and signed by authorized personnel to remove supplementary reports and confidential investigation data from the Records Section. See OMS 109.04 (3)2.a.1.
DPD 67	UNAUTHORIZED PARKING: NON-POLICE VEHICLES OWNED AND/OR OPERATED BY POLICE OFFICERS IN POLICE BUILDING UNDERGROUND PARKING LEVELS This form will be completed and sent by the Administrative Management Division to the Internal Affairs Section to conform with OMS 204.19(1)c.
DPD 75	REQUEST TO APPEAR The Request to Appear is a three-part form used for all order-ins. An adult may be ordered-in to an investigative unit or to the County Court Marshal's Office, a juvenile to an investigative unit. The officer making the order-in should mark through all sections of the form which are not appropriate to the individual situation. Distribution of the copies of the form varies according to the type of order-in.
DPD 81	STRIP/BODY CAVITY SEARCH AUTHORIZATION Used to obtain written supervisory approval any time an officer wishes to conduct a strip or body cavity search of a prisoner.
DPD 94	EMERGENCY INFORMATION FILE This form is completed by all personnel and contains emergency and medical information for each employee.
DPD 100	REQUEST FOR APPREHENSION OF A RUNAWAY CHILD This form originates only in the Missing and Exploited Persons Unit. It is filled out and signed by the parent or guardian who must come to the Police Administration Building to do so.
DPD 102	JUVENILE ADVISEMENT/WAIVER FORM A form used by an officer prior to questioning a juvenile suspected of a criminal violation.

	A parent or guardian must be present. The completed form will be left with or forwarded to the appropriate investigative section or unit, along with other relevant documents. The assigned investigating officer will ensure that the original and needed copies of the Juvenile Advisement/Waiver are included with the case filing and the department file.
DPD 119	<p>OFFICER'S BUSINESS CARD</p> <p>All officers should have business cards available on their persons or in their vehicles and use them to comply with OMS RR-129 and other situations in which these cards could be used. Specialized business cards are available for detectives to use when notifying complainants or witnesses of interview appointments. The business cards available for patrol officers have useful city agency telephone numbers printed on the back.</p>
DPD 122	<p>PROPERTY MANAGEMENT BUREAU INVOICE AND RECEIPT</p> <p>Completed whenever any found or personal or evidentiary property is taken into police custody. It consists of the original and one copy. The original is scanned into RMS by Property Management Bureau staff, and the officer retains the remaining copy.</p>
DPD 140	<p>PROTECTIVE CUSTODY NOTICE AND/OR REQUEST TO APPEAR (DPD 140)</p> <p>This form is used to notify parents of the protective custody status of their children and to serve as a request to appear. As required by the Colorado Children's Code, C.R.S. §19-3-402, the copy provided to parents also gives parents and/or guardians their parental rights.</p>
DPD 150	<p>SICK AND INJURED REPORT (S&I)</p> <p>a. When suspects are hospitalized and a hold order is placed, a Sick and Injured Report will be completed in triplicate and distributed as follows:</p> <ol style="list-style-type: none"> One copy will be given to the transporting ambulance paramedics or given to a Denver sheriff deputy at the hospital. One copy will accompany the Unified Summons and Complaint. The US&C, S&I, Statement of Probable Cause and Arrest/Booking Slip will be hand carried immediately to the Detention Center sally port. One copy will be sent via inter-department mail to the Missing and Exploited Persons Unit. <p>b. This form is completed whenever a person is taken into custody for suspected mental illness. See OMS 104.30.</p> <p>c. This form will be made on all deaths investigated by the police department. See OMS 301.14.</p>
DPD 155	<p>RESERVE OFFICER'S COURT VOUCHER</p> <p>This form will be filled out in duplicate whenever a reserve police officer is subpoenaed to appear in court to testify for the city. The original will be filed with the Financial Services Section and will be kept for one year. A minimum of two hours or the actual time involved, whichever is greater, will be given for an appearance in court at a first-grade patrolman's hourly wage, converted to time and a half.</p>
DPD 170	<p>PHOTO DISPLAY FOLDER</p> <p>Used by officers in preparing and presenting a photo lineup. See OMS 104.44(10).</p>
DPD 175	<p>COURTESY TRAFFIC WARNING</p> <p>Used to issue written warnings for minor, non-hazardous traffic violations. See OMS 202.04.</p>

DPD 181	MEMORANDUM OF UNDERSTANDING An acknowledgement signed by all officers that official police badges and identification are the sole property of the Denver Police Department and are subject to immediate recall.
DPD 187	PROPERTY RECOVERY WAIVER Used by officers assigned to the Pawnshop Recovery Unit for the seizure of property from pawnshops and secondhand stores
DPD 194	PRESUMPTIVE SCREENING REQUEST Used by Vice/Narcotics Section personnel to obtain a preliminary analysis on a suspected controlled substance prior to filing a case with the Denver District Attorney.
DPD 199	BOMB THREAT CALL CHECKLIST This form is to be filled out by any person receiving a bomb threat call. A General Occurrence report (DPD 250) will also be completed.
DPD 200	INTER-DEPARTMENT CORRESPONDENCE (COMPUTER TEMPLATE) This form is to be used by all officers for any report or communications made within the department when no other report form is provided, or when required.
DPD 221	ABANDONED VEHICLE WARNING After clearing the vehicle on the computer information system, this form will be filled out in duplicate. The pink copy is placed on the abandoned vehicle in a conspicuous place. The white copy is forwarded to the Denver Sheriff's Department Abandoned Vehicle Unit for follow-up. See OMS 205.01(8).
DPD 224	IMPOUNDED/RECOVERED VEHICLE REPORT This four-page form is to be completed when a vehicle is impounded for any reason or when a vehicle's owner or representative responds to an officer's location to take possession of a stolen vehicle. See OMS 205.01(4)b.
DPD 236A	UNIFIED SUMMONS & COMPLAINT/WARRANT ROUTING ENVELOPE The envelope used to route a US&C/Warrant and all supporting paperwork from the police department to a judge and the Identification Section / Records Unit.
DPD 238	TRAFFIC CITATION VOID REQUEST Used by officers to request the dismissal of parking and moving violation citations.
DPD 241	RECORD SEARCH APPLICATION (ID SECTION AND RECORDS UNIT) When a record check request is made in person, this form will be completed by the law enforcement person making the inquiry. If the request is made by telephone, Identification Section and Records Unit personnel will complete the form.
DPD 250	GENERAL OCCURRENCE (GO) REPORT General occurrence Reports are completed electronically using an MDT or desktop computer, except when an officer working off duty does not have access to a department computer / MRE system, or when the MRE system is inoperative. <u>In such cases, a paper version referred to as DPD 250 may be used.</u> The paper General Occurrence report (DPD 250) has four elements: DPD 250, DPD 250A, DPD 250B, and DPD 250I. <i>NOTE: Requirements for the completion and review of paper General Occurrence (GO) reports (DPD 250, DPD 250A, DPD 250B) are identical with computer generated GO</i>

	<i>reports. See OMS 109.02(2)a.</i>
DPD 250A	<p>ADDITIONAL INCIDENT REPORT</p> <p>Used as a supplement to a DPD 250 General Occurrence Report. It gathers information of additional suspects and witnesses, and has additional space for a narrative and neighborhood survey. The case number appearing on the original report must be placed on the Incident Report so it can be readily identified in the Records Unit and made a part of the original case.</p>
DPD 250B	<p>ADDITIONAL INCIDENT REPORT</p> <p>Used as a supplement to a DPD 250 General Occurrence Report. It gathers information of an additional victim, suspect and witness, and has additional space for a narrative and neighborhood survey. The case number appearing on the original report must be placed on the Incident Report so it can be readily identified in the Records Unit and made a part of the original case.</p>
DPD 250I	<p>OFFENSE REPORT INFORMATION CARD</p> <p>An index size card printed on two sides. One side provides a victim with the name of the officer completing the report, the type of offense being reported and directions for obtaining a case number via telephone, as well as instructions for getting new or additional information to the proper investigating officer. The other side informs citizens of services provided by the Denver Police Department.</p>
DPD 252	<p>NCIC/CCIC WANTED - DESCRIPTION OF WANTED PARTY</p> <ol style="list-style-type: none"> Whenever an officer, with probable cause, wishes to place a pick up (want) on a known or unknown person for a violation of a DRMC violation, he/she will use and forward this form to the Identification Section / Records Unit. All officers placing wanted notices (pickups) will forward DPD 252 and NCIC Information to the Identification Section. Both forms must contain the most complete and accurate information available to the officer at the time the wanted notice is placed. The officer placing the pickup will attempt to determine what vehicles are registered to and/or associated with the wanted/missing person and include that information on the DPD 252. When the wanted notice is entered on the computer system, an NCIC number(s) will be placed on the form by the operator. The bottom portion of the DPD 252 will then be returned to the issuing officer. The officer will retain the form until the person is arrested, located or a case disposition is made.
DPD 252B	<p>NCIC / CCIC STOLEN / RECOVERED GUNS / ARTICLES / SECURITIES</p> <p>This form originates as a work sheet used by officers requesting information entry or cancellation regarding a stolen or recovered gun, article or security on the NCIC/CCIC computer systems. The officer completes the form and forwards it to the Records Unit where an operator codes and enters the information. An identifying number is recorded on the form and the document is attached to the original case.</p>
DPD 255	<p>CONTINUATION REPORT</p> <p>This report is made in conjunction with the General Occurrence (GO) report, where death occurs. The number of copies and the distribution is the same as DPD 250. A Continuation Report is not made for an attempted suicide or traffic fatality.</p>
DPD 265	<p>PROPERTY WITHDRAWAL FORM</p> <p>This form is used by the Property Management Section to record disposition of evidence</p>

	checked out for use in court or released to owner.
DPD 267	FLEET MAINTENANCE WORK REQUEST <ol style="list-style-type: none"> Used to report damaged or defective police vehicles. The top third of this form is completed by the reporting officer and accompanies the vehicle to the Police Garage. Upon completion of repairs, the fleet supervisor will complete the middle third of the form and return it with the repaired vehicle. The reporting officer will ascertain if the ordered work was completed in a satisfactory manner. The bottom third of the form will then be completed and forwarded to the Fleet Management Section.
DPD 271	BICYCLE IMPOUNDING TAGS <p>When officers impound or confiscate a bicycle, they will complete and attach this form to the bicycle. If the owner is present, give them the bottom half of the tag as a claims check.</p>
DPD 275M	UNIFORM TRAFFIC SUMMONS AND COMPLAINT/PENALTY ASSESSMENT NOTICE <p>This form is used any time a person is cited for a moving traffic violation of the Revised Municipal Code of the City and County of Denver or Colorado Revised Statutes.</p>
DPD 286	AFTER ACTION REPORT (COMPUTER TEMPLATE) <p>To be completed by incident commanders (or designee) following serious police/public confrontations and other incidents such as hostage situations, shootings involving police officers, and those involving large numbers of personnel to provide information for procedural analyses and future planning. The report must be completed by end of shift during which the incident occurred. Copies must be forwarded to the Executive Director of Safety, the Chief of Police, both deputy chiefs, the Civil Liability Section, and to the commander(s) of other divisions and districts whose personnel participated or should otherwise be aware of the incident.</p>
DPD 287	STATEMENT OF PROBABLE CAUSE / AFFIDAVIT FOR ARREST WARRANT (INCLUDES ARREST/BOOKING SLIP) – <p>Used to detail probable cause for an arrest when not completing arrest paperwork electronically.</p>
DPD 287A	STATEMENT OF PROBABLE CAUSE, CONT. <p>Used when there is insufficient space on the Unified Summons and Complaint, when a person is jailed on a US&C or when additional charges are placed against a prisoner in custody.</p>
DPD 299	POLICE VEHICLE ACCIDENT DATA SHEET (COMPUTER TEMPLATE) <p>This template in RMS is prepared by the responding supervisor or Traffic Investigations Unit detective in charge of the investigation of a police vehicle traffic accident. The form is also used to record the accident review findings of the officer's commander and any subsequent administrative recommendations for disciplinary action. See OMS 203.08 and 203.09.</p>
DPD 308	EVIDENCE TAGS <p>Used when property of evidentiary nature is taken into custody and a tag would be the suitable implement for identification.</p>

DPD 309	PERSONAL PROPERTY TAG To be used when any property not having evidentiary value is taken into custody and a tag would be the suitable implement for identification.
DPD 325	DISTRICT EMERGENCY CALL CARD Information on this card maintained at district stations indicates who is to be called when an emergency occurs at business establishments.
DPD 236A	ROUTING ENVELOPE Used to route Unified Summons and Complaint Warrants (DPD777W) to the Identification Section.
DPD 341	REQUEST FOR LABORATORY EXAMINATION Filled out in triplicate for any item of evidentiary value which needs to be analyzed, compared or examined microscopically. For items left in the Property Management Section, all copies of the form are left with the evidence. In the case of vehicles needing examination, the completed form will be forwarded by the assigned detective to the Forensics and Evidence Division.
DPD 347	TRAFFIC CASE SUMMARY (COMPUTER TEMPLATE) This electronic form is completed on all cases of hit and run with the exception of early case closure investigations.
DPD 366	STATEMENT (ALSO A COMPUTER TEMPLATE) This form is completed by an officer, witness, or person advised.
DPD 368	LIST OF WITNESSES This form is to be used in the filing of all cases with the Denver District Attorney's Office.
DPD 369	ADVISEMENT This form is used prior to the questioning of a suspect for a criminal violation. Officers will make two copies and both will be hand carried to the appropriate investigative section or unit. See OMS 302.10.
DPD 370	AFFIDAVIT FOR SEARCH WARRANT A written or printed declaration of facts to establish probable cause to search. See OMS 107.01.
DPD 371	SEARCH WARRANT A written order issued by a judge or magistrate authorizing the search and seizure of property. See OMS 107.01.
DPD 372	CONSENT TO SEARCH Prior to a consensual search of premise or vehicle, this form must be signed by the owner or legal occupant to permit officers to search without a search warrant.
DPD 380	V.I.N.E. CARD (VICTIM INFORMATION AND NOTIFICATION EVERYDAY) This card is provided to crime victims and explains victim rights pursuant to CRS §24-4.1-301 and contact information for the Crisis Services Section.
DPD 385	INTIMATE PARTNER VIOLENCE (IPV) CASE SUMMARY This two-part report (electronic plus hard copy) is required to be completed in all domestic violence investigations. When the domestic violence incident is in violation of

	the Denver Revised Municipal Code, attach the Intimate Partner Violence Case Summary to the City Attorney's copy of the Unified Summons & Complaint, or Unified Summons & Complaint/Warrant (DPD 777W). All documents should be forwarded in a scanning envelope to the Records Unit for attachment to the GO report in RMS.
DPD 453	VEHICULAR PURSUIT REPORT (COMPUTER TEMPLATE) This report will be completed following every vehicular pursuit in which Denver officers are involved. Copies of this completed report will be distributed in accordance with OMS 204.01
DPD 460	FORCED ENTRY REPORT Completed in all cases when entry is forced into a structure or vehicle. The original is forwarded to the Civil Liability Section, together with any photos and copies of warrants. Duplicate copies are sent to the commanders and deputy chiefs of the involved officers.
DPD 494	DUI Short Form This report will be completed in cases involving driving under the influence of alcohol or drugs when suspects are turned over to the custody of officers of the DUI Unit, or other processing officers.
DPD 599	ACCIDENT VICTIM INFORMATION SHEET This form is provided to all drivers involved in an accident as well as to the owner/victim of a vehicle involved in a hit and run. This form provides follow-up information to frequently asked questions concerning their accident. See OMS 203.02(3)h
DPD 655	VEHICLE AUTHORIZATION FOR FULL USE Used to document the usage and authorized class of city vehicles assigned to department personnel.
DPD 707	ARRESTEE MENTAL HEALTH STATUS / SUICIDAL / HOMICIDAL TENDENCY This form is used to document the risk status of persons under arrest.
DPD 709	VIDEO RETRIEVAL REQUEST FORM This form is used for HALO video requests.
DPD 777	UNIFIED SUMMONS AND COMPLAINT An electronic or paper form used after an officer has determined that there is probable cause to believe that a municipal ordinance or misdemeanor state statute violation has occurred. Used for juveniles and adults.
DPD 777W	UNIFIED SUMMONS AND COMPLAINT WARRANT Used after an officer has determined that there is probable cause to believe that a municipal ordinance violation has occurred and an identifiable suspect is no longer at the scene. Used for juveniles and adults.
DPD 810	RECRUIT OFFICER PROBATION STATUS REPORT This form is used to document the status of probationary officers.
DPD 812	CONSENT TO SEARCH AND SEIZE A CELL PHONE, TABLET, PDA, COMPUTER, OR ELECTRONIC STORAGE MEDIA (COMPUTER TEMPLATE) Used to document consent to search of an electronic storage device or media.

(4) COUNTER AND ONLINE (INTERNET) REPORTING:

- a. Persons may complete and submit reports of minor criminal incidents or as follow up information on prior cases at district stations, the Police Administration Building, or online at DenverGov, when:
 1. There is no suspect or witness information available and the report is being made for insurance purposes only.
 2. Victims have experienced property losses not completely identified at the time a prior General Occurrence (GO) report was completed. The prior report number, if known, should be added to the additional counter or internet report
 3. The reported incident is a gas drive-off, whether or not a license number is obtained, and there is no other criminal violation. Officers will assist persons with counter reports at police facilities, or by phone with online reports.
- b. Whenever a counter report for an offense would be indicated or recommended it will be the policy of the police department to also offer the option of an internet report. Internet reports may be accessed via <http://www.denvergov.org/Police>. If operations manual policy and procedure mandate or recommend a police response, then counter reports or internet reporting will not be considered a substitute. Internet reporting is strictly an option and not an alternative for those situations where citizens prefer to appear in person to complete a counter report. Officers will not discourage citizens from appearing at a police facility to complete a counter report.

(5) FORMS PROVIDED BY OTHER AGENCIES AND FREQUENTLY USED BY THE DENVER POLICE DEPARTMENT:

- a. **AFFIDAVIT OF PHYSICAL INSPECTION (DR 411)**
This form is used when application is made for motor vehicle title in the State of Colorado. Every officer is authorized to make this inspection. Inspecting officers need only be concerned with the "Affidavit of Physical Inspection", located in the lower half of the back of the form. After filling in the vehicle description and the license information and after verifying the VIN by comparison with the license information, they will then sign as inspecting officer, with rank, serial number, and date. The official inspection station will be the Denver Police Department.
 - b. **INTER-DEPARTMENTAL REFERRAL (FORM 45 ADM)**
This form is used to refer various cases and complaints to other city agencies. It may be used in General Violations Bureau cases where the officer does not have sufficient knowledge or evidence to cite.
 - c. **STATE OF COLORADO TRAFFIC ACCIDENT REPORT (DR-2447)**
This form is to be used whenever a motor vehicle is involved in an accident. See OMS 203.02.
 - d. **PARKING CITATION (FORM PM 275)**
This form is to be used for the official notice of parking violations. It is a legal document. When completed, the second copy is placed on the vehicle and the original in the ticket box at the officer's station. See OMS 202.11.
 - e. **STATE OF COLORADO (EMERGENCY MENTAL ILLNESS REPORT AND APPLICATION M-1 FORM)**
This form is completed whenever a person is taken into custody for suspected mental illness. See OMS 104.30(2).
 - f. **STATE OF COLORADO FATAL TRAFFIC ACCIDENT SUPPLEMENTAL REPORT (DR-2447A)**
This template in RMS is to be used whenever a motor vehicle accident involves a fatality. This report is completed by detectives assigned to the Traffic Investigations Unit. See OMS 203.03.
 - g. **STATE OF COLORADO DUI LAW OF EXPRESSED ADVISEMENT (DR-2576)**
This form is used to advise DUI suspects of the Law of Expressed Consent. This form is also available in Spanish.
 - h. **CHEMOTOX REQUEST FOR ANALYSIS**
-

Private lab request form for the analysis of blood, urine or other substance for the presence of drugs or alcohol.

109.03 RECORDS AVAILABLE

(1) GENERAL REPORT ACCESS:

Currently generated General Occurrence (GO) and accident reports are available electronically through Versadex. Records Management System procedures should be used for accessing them. Designated paper reports are forwarded to the Records Unit for scanning and attachment with associated electronic files in Versadex.

For reports generated prior to implementation of Versadex (approximately 2010) the Records Unit should be contacted for assistance.

(2) ACCIDENT REPORT SEARCH CRITERIA:

Accident reports are filed by DPD case number; and may also be located using the following search criteria in Versadex:

- a. Names of driver(s).
- b. Intersection at which accident occurred.
- c. Name of any injured person.
- d. Owner of vehicle.
- e. Owner of other damaged property.
- f. Case number
- g. License plate or VIN.

(3) RADIO RECORDINGS:

Radio call information can be accessed through computer programs by authorized department personnel.

(4) STATISTICAL REPORTS:

The Data Analysis Unit prepares various statistical reports for administrative purposes using information from General Occurrence (GO), accident, arrest reports, and traffic summons and complaints.

109.04 AVAILABILITY OF INFORMATION CONTAINED WITHIN DPD CRIMINAL JUSTICE RECORDS

(1) RECORDS DISCLOSURE POLICY:

- a. This Records Disclosure Policy is based upon the following:
 1. Denver Police Department's obligation to manage records disclosure in a way that protects the integrity of the criminal justice process, thereby requiring that some records maintained by DPD must remain confidential.
 2. The public has an interest in understanding how DPD conducts business and knowing about crime in the community. This policy is intended to address these sometimes competing principles while conforming to provisions in the law, both compelling and prohibiting disclosure of certain records.
 3. *This purpose statement is purely informational and is not intended to control whether records should be released or to establish policy where no specific policy applies. If there is any conflict between the following specific sections of this policy and the purpose statement, the sections below govern.*
 - b. The Executive Director of Safety is the official custodian of all records kept or maintained by the Denver Police Department and, as such, has the ultimate authority regarding release of those records. That authority, however, may be delegated to the Department of Safety Records
-

Administrator. Any reference in this policy to the “custodian” of records means the “official custodian.”

c. The following records may be ordered by mail or online at www.denvergov.org/police:

- Accident Reports
- Arrest/Criminal History Reports
- Photos/Videos
- Computer Aided Dispatch (CAD) Records
- Offense Reports
- Premise History/Calls for Service
- Supplemental Reports
- 911 Calls
- Dispatch Recordings
- Other Police Reports

d. The procedure for making a records request is as follows:

1. Any person or entity requesting other DPD records must submit a written request by mail or email:

Records Administrator - Executive Director of Safety's Office
1331 Cherokee Street, Denver, CO 80204
email: andrea.webber@denvergov.org
Telephone: 720.913.6749
2. The request must describe in as much detail as is reasonably possible the specific records sought and provide the requestor's name, address, telephone number, and preferably email address.
3. Records requests cannot be made over the telephone; however, general inquiries regarding the records request process may be made by telephone.
4. After a request is received, the Records Administrator will review the request in accordance with this policy and will grant the request in whole or in part, or will deny it. A partial grant may involve withholding certain records in their entirety or redacting information from some of the records.
5. The Records Administrator will make reasonable efforts to notify all currently employed DPD officers who are the subject of records that have been requested or who the Records Administrator believes in the exercise of his/her discretion should be notified of the records request. It is the responsibility of all officers to regularly check their email and other messages to determine whether any notifications described in this paragraph have been sent to them.
6. If a request is made for a record for which a specific policy or protocol exists (for example, requests for reports handled by DPD's Records Unit or Civil Liability Section), the request will be forwarded to the appropriate section or unit for processing. Requests for information for discovery in civil, criminal, and administrative cases will be directed to the Denver City Attorney's Office or Denver District Attorney's Office.
7. The fee for research, retrieval and redaction of records is \$30 per hour after the first hour.

(2) ACCESS TO RECORDS:

- a. There are three (3) categories of records held by the DPD for which release is governed by the provisions of Colorado's public records laws and which are subject to this records disclosure policy. Each of the three (3) types is described in more detail below:
-

1. Records that must be made available to the public – **“REQUIRED DISCLOSURES”**
 2. Records that must be analyzed by the Records Coordinator before deciding whether to release the records – **“DISCRETIONARY DISCLOSURES”**
 3. Records that cannot be made available to the public – **“PROHIBITED DISCLOSURES”**
- b. Required Disclosures
- Records of “official action” as defined by Colorado state law must be made available to the public upon request. However, there may be information that must be redacted prior to release because the redacted information may not be disclosed. NOTE: Records of official action are not frequently contained in DPD files, but rather are more often found in court records.
- “Official Action”** means:
1. Arrest (consequently, records of arrests of adults are required to be disclosed unless an arrest record has been sealed by a court order);
 2. Criminal indictment, criminal information, or criminal disposition;
 3. Pre-trial or post-trial release from custody;
 4. Judicial determination of mental or physical condition;
 5. Decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs;
 6. For any person under a criminal sentence, any decision to formally discipline, reclassify, or relocate that person; and
 7. Certain records of Internal Affairs Section investigations as identified in CRS §24-72-303.
- c. Discretionary Disclosures
1. In accordance with Colorado Supreme Court decisions, unless a record falls within the categories of required disclosures (above) or prohibited disclosures (below), the Records Coordinator must exercise discretion and analyze each record individually, taking into account, where appropriate, the following factors to determine whether a record or portions of a record should be released or withheld:
 - The privacy interests of individuals, if any, who may be impacted by a decision to allow disclosure of the record;
 - DPD’s interest in keeping confidential information confidential;
 - DPD’s interest in the integrity of on-going investigations;
 - The public purpose to be served in allowing disclosure of the record; and
 - Any other pertinent considerations relevant to the circumstances of the particular records request, including whether disclosure would be contrary to the public interest.
 2. Examples of records that typically will fall in the “Discretionary Disclosure” category include:
 - Records of criminal investigations and information regarding specific crimes.
 - Information regarding calls for service and response times to those calls.
 - Operations and problem-solving plans.
 - Information regarding the allocation or deployment of DPD personnel.
 - Disciplinary records.
 - Specialized details of security arrangements or investigations (these records may be released only in accordance with applicable state and federal law, including, but not limited to, the Homeland Security Act, 6 U.S.C. §101, *et seq.*, the Homeland Security Information Sharing Act, and the Federal Information Security Management Act, and
-

any non-disclosure agreements executed pursuant to such laws).

3. Record Privatization:

Records will only be privatized when deemed appropriate by the investigating detective and/or with the prior approval of the unit supervisor. A case note will be created in Versadex explaining the need for privatization, including the approving supervisor. This policy is designed to allow the ability to share information with authorized users and restrict access only when appropriate. Case information (i.e., relevant entities, statements, supplementary reports, etc.) will be entered within Versadex. Excluding information from the RMS in an effort to circumvent this privatization policy is not acceptable.

At a minimum, when a record is privatized, the following users will be granted access:

- The user requesting privatization (this person will also be listed as the person responsible for the record being privatized)
- The user's immediate supervisor
- Other users who may need access to the record (i.e. other unit detectives, Crime Lab staff, Data Analysis Unit, Records Sergeant, etc.)
- The unit handle
- Civil Liability (handle-HCIVIL)

d. Prohibited Disclosures

The following is a non-exclusive list of records that are not to be disclosed or must be redacted from required or discretionary disclosures:

1. Social Security Numbers.
2. Names and other identifying information of undercover officers and confidential informants and other information that would endanger the undercover officers or informants or compromise their operations.
3. Home addresses, home phone numbers, financial information, emergency contacts, benefits information, driver's license information including numbers and pictures, and other identifying information of any city employees or their family members.
4. Records of law enforcement agencies concerning juvenile defendants and suspects, including identifying information.
5. Reports of child abuse or neglect and the name and address of any child, family, informant, or any other identifying information contained in such reports.
6. Names and identifying information of juvenile witnesses and victims.
7. Names and identifying information of victims of sexual assault or alleged sexual assault.
8. Medical and psychological records (exclusive of coroner's autopsy reports) unless the patient consents.
9. Diagnostic tests and public health reports regarding HIV/AIDS.
10. Information that is protected from release pursuant to an evidentiary privilege, including but not limited to the following privileges:
 - Attorney-client privilege (which protects communications between an attorney and his/her client relating to legal advice);
 - Attorney work product doctrine (which protects documents such as the District Attorney's Office (DA's) case filing form and other items prepared in anticipation of litigation);
 - Patient-physician privilege; and
 - Deliberative process privilege (which protects pre-decisional, deliberative documents

which are so candid and personal in nature that public disclosure is likely to stifle honest and frank communications within DPD); this privilege typically covers recommendations, advisory opinions, draft documents, proposals, suggestions, and other documents that reflect the personal opinions of the writer).

11. Criminal history records that are protected from disclosure by federal or state law, including NCIC records.
12. Sexual harassment complaints and investigations.
13. Sealed files or information.
 - Expunged records.
 - Records the release of which is contrary to any state or federal statute, prohibited by a rule promulgated by the Colorado Supreme Court, prohibited by an order of any court, or prohibited by case law or any other applicable law.

(3) RECORDS UNIT:

- a. The Records Unit stores and maintains General Occurrence (GO) reports, additional offense reports, supplementary reports, pawnshop tickets, and weapon sales/registration forms. The Records Unit will:
 1. Send paper copies of electronic or original paper traffic accident reports to the State of Colorado by the Records Unit.
 2. Maintain a copy of all accident reports within Versadex.
- b. Availability of reports
Copies of original and additional General Occurrence (GO) reports, traffic accident reports, pawnshop tickets, and weapon sales/registration forms may be purchased by anyone making such a request.
 - Prior to processing, the following information must accompany the request: correct date, time, identity of individuals and/or locations of the event.
 - Records Unit personnel will redact the following information when providing copies of General Occurrence (GO) reports: names and addresses of juveniles, identification information and signatures of the victims of sex related crimes.
- c. Confidential documents
 1. Supplementary Reports and all related investigative data are confidential.
 - a. These reports are not available for review, nor are they to be reproduced for anyone other than the assigned investigating officer without the written permission of the assigned investigating officer, his/her supervisor, commanding officer, or commander of the investigating division or district handling the case. The Document Control Card (DPD 66) is used to inform the Records Unit of this permission.
 - b. Exceptions to the above are:
 - Executive Director of Safety
 - Chief of Police
 - Internal Affairs Section
 - Civil Liability Section
 - Representatives from the Denver City Attorney's Office and the Denver District Attorney's Office
 - c. The Supplementary Report, containing driver, vehicle, owner insurance information, etc., is available to "interested parties" and to the Department of

Motor Vehicles through the Civil Liability Section.

2. Assault weapon registration forms have been classified by Denver City Ordinance as confidential and may not be purchased by the public.
3. The Records Unit accepts citizen requests for copies of police reports by mail only. Instructions for obtaining copies are available by telephone and are included on many DPD forms. A report ordering form is available from the Information Desk or any district station, and via www.denvergov.org/police.
4. Fees
 - a. All requests from citizens must be accompanied by the fees defined in Section 42-1 of the Revised Municipal Code of the City and County of Denver, 1982 as amended.
 - b. The fee charged by the Records Section of the Denver Police Department for a search for an accident report or General Occurrence (GO) report will be ten dollars (\$10.00). One photocopy of such record will be provided at no cost. Fee exemptions apply for duly authorized local, state, and federal law enforcement agencies and select city and county entities as defined in the standard operating procedures of the Records Unit and Identification Section.
 - c. Upon request, Records Unit personnel may conduct file searches (generally reports completed prior to implementation of Versadex) for personnel not assigned to the Record Unit.

(4) IDENTIFICATION SECTION:

- a. The Identification Section generates and maintains criminal history records, fingerprints and photographs. Release of any information is subject to the restrictions imposed by Colorado Revised Statutes, the Revised Municipal Code and policies of the Denver Police Department.
- b. Identification Section personnel will respond to Denver law enforcement agency requests at the police counter twenty-four hours each day. There is no charge for any file search or copy provided.
 1. All requests for copies of criminal justice records must be made in person, via mail, and by telephone.
 2. Phone Requests
 - a. When it is essential to request criminal justice records information by telephone, Denver police officers are required to give their serial number, assignment and a callback number to Identification Section personnel.
 - b. Denver Deputy District Attorneys or Assistant City Attorneys may be given information needed in court by telephone when there is not adequate time for such information to be forwarded through the mail or retrieved in person. Identification Section personnel are required to call the requesting person back at a known court or office telephone number.
 3. Although Denver police officers generally have unlimited access to criminal justice records, the following restrictions apply:
 - a. Officers will not make courtesy ID checks for a secondary employer or for any other private citizen. All persons making such requests will be referred to the Identification Section.
 - b. Information obtained from criminal justice records relating to official actions of the police department may not be sold or provided without cost, in any manner or form, to persons outside the criminal justice system.
 - c. Denver police officers working off-duty for a secondary employer can make

- record checks for an employer if the proper application and payment are made. This task will not be performed while an officer is on-duty.
- d. Denver police officers are permitted to access the criminal justice records of the Denver Police Department while participating in authorized secondary employment whenever such inquiries are made as part of their official duties as law enforcement officers. Such access is not permitted for the convenience of the secondary employer.
 - e. Unless currently employed by a recognized criminal justice agency, retired Denver police officers or former law enforcement officers no longer on active duty are viewed as private citizens. Criminal justice records available to private citizens can be purchased by the formerly active officers.
- c. The Identification Section police counter will respond to requests from outside law enforcement agencies and approved criminal justice agencies twenty-four (24) hours each day. There is no fee for any file search or copy provided.
1. No copies of juvenile mug shots, prints, names, addresses or arrest information will be provided to the FBI or any other law enforcement agency, unless such information is essential to a current investigation or will aid in the apprehension of a wanted juvenile suspect.
 2. No copies of FBI records will be provided to an outside law enforcement agency except authorized FEDERAL law enforcement agency representatives.
 3. No information from the NCIC or CCIC computer files will be provided to an outside law enforcement agency without the approval of the Identification Section supervisor. Persons requesting this information will be instructed to use the NCIC/CCIC terminals of their own jurisdictions.
- d. Availability of Records
1. Persons may purchase copies of any:
 - Adult Criminal History record containing basic identification information and the record of any arrest made by a Denver police officer which resulted in **official action**. **For the purpose of information release, nolo contendere is viewed** as an official action equal to conviction.
 - Adult photograph of the person named in the request.
 - Face of the Unified Summons and Complaint, after court disposition only
 - Detention facility booking slip.
 - Adult master fingerprint card.
 - Adult index fingerprint card.
 2. Persons may NOT purchase copies of any:
 - Juvenile criminal history record, photograph, or fingerprint card.
 - Investigative notes on a Unified Summons and Complaint.
 - Adult arrest record, the access of which is limited to criminal justice agencies.
 - FBI Records.
 - NCIC or CCIC computer printout information or hard copy warrant information contained in the wanted persons file.
- e. Mail in Procedure
1. Private citizens or representatives of non-criminal justice agencies may, by mail, purchase copies of any criminal justice records, the release of which is not restricted by
-

- CRS §24-72-308. See OMS 109.04(4)d.
2. Identification Section Mail Order Forms (DPD 42) may be obtained at any Denver Police Department district station or at the Police Administration Building.
 3. All requests must be accompanied by the fees defined in Section 42-1 of the Revised Municipal Code of the City and County of Denver, 1982 as amended.
 4. When the purchase of document copies poses a financial hardship for the citizen, the usual fees for this service can be waived by an Identification Section Supervisor.
- f. Persons in interest or their representatives may purchase copies of all adult criminal justice records maintained by the Identification Section EXCEPT FBI records, NCIC and CCIC computer system information, and any portions of Denver warrants regarded as investigative notes such as affiant identification or the list of witnesses.
- Copies of criminal justice records purchased by persons in interest will be complete and not subjected to the restrictions of OMS 109.04(4) d.
 - The primary subject of a criminal justice record must appear in the Identification Section to have a wanted person inquiry request honored. There is no charge for this service. However, if such an inquiry reveals the existence of any active warrant, the person will be placed under arrest and processed as any other wanted person.
 - Juvenile records can be released only to the person named in the record or to the verified parent of that juvenile.
- g. Members of the public may have their fingerprints rolled on an Applicant Fingerprint Card on Wednesdays and Thursdays from 1000 hours to 1730 hours at the Police Administration Building.
- h. Representatives of the news media may obtain the criminal justice record information available to private citizens. See OMS 109.04(4)d.
- i. Photographs, fingerprint cards or other available data regarding Denver police officers are personnel records. They are not viewed as criminal justice records available for purchase by any person or release to the news media.
1. Photographs of Denver police officers will be maintained in the Safety Human Resource Management Bureau and will not be released to the news media (electronic or print). Only the Director of the Denver Safety Human Resource Management Bureau, a deputy chief of police or the Chief of Police has the authority to release a photograph of any officer, and ONLY after a release has been signed by the respective officer and witnessed by a member of the Denver Safety Human Resource Management Bureau. Release forms are kept in the Denver Safety Human Resource Management Bureau.
 2. Whenever a Denver police officer is arrested within the City and County of Denver, the criminal history record and all related documents become criminal justice records subject to the same reviews and restrictions as those of any other person who has been arrested.
 3. The home addresses and telephone numbers of Denver police officers may not be released, either by another officer or by a CS employee of the Denver Police Department, except to other officers. The officer making the request for information must be able to identify him or herself to the satisfaction of the person receiving the phone request. In case of an emergency, the person receiving the request for information may relay a message to the officer in question.

(5) RELEASE OF CRIMINAL JUSTICE RECORDS MUST BE AUTHORIZED:

Officers of the Classified Service or CS employees of the department who knowingly violate the provisions of the Colorado Revised Statutes or the policies of the Denver Police Department regarding authorized release of criminal justice records are subject to legal penalty assessments and/or department

disciplinary action.

(6) NON-CRIMINAL JUSTICE AGENCY REQUEST - CIVIL LIABILITY SECTION RESPONSIBILITIES:

Any request, not originating from a criminal justice agency, for computerized information not normally provided by the Identification Section or Records Unit must be processed by the Civil Liability Section. Personnel in the Civil Liability Section are responsible for assuring that these requests are billed properly.

109.05 RECORDS MANAGEMENT

(1) RETENTION IN COMPLIANCE WITH POLICY AND LAW:

Records of the Denver Police Department are maintained, retained and destroyed consistent with the City and County of Denver General Records Retention Schedule (GRRS) and applicable city, state and federal law.

(2) GENERAL RETENTION SCHEDULE:

Pursuant to GRSS Section 100.080 Police Records, the following case records are retained for the noted period:

- a. Non-criminal death case records – 10 years
- b. Felony case records (major felonies and violent crimes) cases such as arson with fatalities, forgery, unrecovered firearms, homicides, kidnapping, deaths, missing persons (excluding runaways) and officer killed – permanent
- c. Felony case records (other) aggravated assault, arson without fatalities and similar cases – 10 years
- d. Misdemeanor case records, petty offenses, traffic offenses and similar cases – 3 years
- e. Sex offender case records – permanent
- f. Sexual assault case records – 50 years
- g. Sexual assault on child case records – permanent
- h. Traffic accident arrest records – no criminal charges filed:
 1. Fatal traffic accidents – 10 years
 2. Non-fatality traffic accidents – 3 years

109.06 FRAUD UNIT EVIDENCE AND DOCUMENTATION

(1) RETENTION OF EVIDENCE:

The Fraud Unit retains original documentation and evidence related to forgery crimes for a period of five years because forgery crimes may lack a statute of limitations, the possibility of grand jury investigations, and the ongoing and international nature of fraud and identity theft. The original documents and case file are maintained in the Fraud Unit. Copies are forwarded as necessary to the Records Unit or the Denver District Attorney's Office.

(2) FRAUD EVIDENCE ROOM:

Fingerprint processing and handwriting analysis is often conducted on fraud document evidence, including checks. Forms of identification and financial devices are often viewed under magnification, ultraviolet light or special lenses to verify security features. Documents are also frequently forwarded via fax and email to banks, merchants and account holders. For these reasons, original documents are maintained in the secure Fraud Evidence Room for immediate availability to investigating officers. Fraud documentation evidence in small quantities will not be booked into the Property Management Section.

Evidence held for the Fraud Unit should be placed in the Fraud Unit's lockbox located in the Property Management Section.

109.07 HOMICIDE CASE INVESTIGATION FILES

(1) RETENTION OF FILES WITHIN HOMICIDE UNIT:

Original documents related to the investigation of homicide and critical incidents involving police officers are retained within the Homicide Unit records storage room for a period of five years. There is no statute of limitations for filing charges in a criminal homicide case. Investigating officers will forward copies of necessary documents to the Records Unit for inclusion in the Records Management System (RMS) or the Denver District Attorney's Office when filing criminal charges.

- a. Document copies include, but are not limited to, paper versions of the list of witnesses, General Offense (GO) report(s), medical records and/or autopsy report, CAD reports, victim criminal histories, written witness statements, written officer statements, video interview sheets, suspect criminal histories, crime scene reports, photograph logs, crime scene drawings, property invoice sheets, laboratory reports, and search warrants. In addition to the listed documentary records, all other records will be retained such as, 911 recordings, photos, videos of suspect and witness interviews, etc.
- b. Documents created in the Records Management System (RMS) are original. RMS documents include, but are not limited to General Offense (GO) reports, statements, information letters, or any other report or document created in the RMS as part of an investigation.

(2) FOLLOWING THE FIVE YEAR STORAGE LIMIT OR CASE ADJUDICATION:

Upon reaching the five-year storage limit or once adjudication of a homicide case occurs, after review and approval by supervisory and command officers, a command officer will forward the entire case file to the Records for permanent storage. Colorado law (CRS §18-1-1101 through 18-1-1109) requires that law enforcement agencies maintain all DNA evidence associated with class I felony and indeterminate sentence cases for the life of the convicted defendant or statute life of the case. To ensure proper case documentation exists in the event a reevaluation of the case becomes necessary subsequent to the discovery of DNA evidence, the Denver Police Department will maintain the entire original case file.

- Original documents include, but are not limited to paper versions of the list of witnesses, offense report(s), autopsy report, CAD reports, victim criminal histories, written witness statements, written officer statements, video interview sheets, suspect criminal histories, crime scene reports, photograph logs, crime scene drawings, property invoice sheets, laboratory reports, and search warrants. In addition to the listed documentary records, all other records will be retained such as, 911 recordings, photos, videos of suspect and witness interviews, etc.
-



110.00 PUBLIC RELATIONS

REVISED: 08/20/2019

PAGE: 1 OF 10

110.01 GENERAL GUIDELINES

(1) PURPOSE

Building positive relationships is at the heart of garnering public support. It is highly important that the community and its police officers understand and appreciate the problems and responsibilities of each other. Therefore, public relation(s) becomes a factor in all police efforts.

Police officers are the most important factor in the determination of police attitudes. Day-to-day contacts between police officers and the public is the focal point of public relations, for it is during these interactions that public support can be developed. The public's acceptance or rejection of a police officer's efforts is largely a reflection of the character and behavior displayed by the officer.

Generally, under normal conditions the community is not particularly critical of police service, but when the public becomes aware of even the mere inference of unprofessional or lax police service, their resentment can be difficult to overcome, particularly if no effort has been made by the police to address or dispel their concerns.

Public support is the end product of faithful, respectful, honest, and effective service to all people in the community.

(2) CODE OF ETHICS:

The Code of Ethics (Title II, Chapter 2, Article IV) section of the Revised Municipal Code for the City and County of Denver, relating to ethical behavior is of particular interest to all police personnel. All personnel of this department will be required to read, comprehend and abide by all sections of this Ordinance. With regard to the Code of Ethics, as established by the Revised Municipal Code, lack of knowledge or understanding will not be a reasonable defense against any infraction resulting in discipline. This Ordinance can be located on-line via denvergov.org under City and County of Denver – Bills, Laws and Municipal Code.

a. Ethics, Gifts and Gratuities

Officers will not solicit or accept gifts or gratuities that relate to the performance of their duties, except as permitted by the Denver Ethics Code. The policy is further clarified as: No officer will accept any gift or gratuity intended to influence the performance of their duty. No officer will accept any gift or gratuity for performing a function not permitted by the operations manual or rules and regulations of this department. Nor will any officer accept any gift or gratuity for failing to perform a function as required by the operations manual or rules and regulations of this department. With written approval of the Chief of Police, some recognized and sanctioned forms of soliciting funds or goods for a benevolent or charitable cause by members will be permitted. This policy statement does not supersede RR-203, Accepting Gifts from Persons of Bad Character, RR-204, Soliciting, Accepting Gifts, Gratuities, or Title II, Chapter 2, Article IV of the Revised Municipal Code of the City and County of Denver relating to the Code of Ethics.

b. Attendance at City Auctions:

It is the policy of the Denver Police Department that police officers and CS employees working for the police department will not be permitted to attend city auctions, unless they are acting in their official capacities.

The Board of Ethics has determined that police officers, city employees, their family members, or anyone not related but who is purchasing an item at a city auction for the direct benefit of a police officer or city employee are doing so in violation of the Code of Ethics and the Charter of the City and County of Denver.

(3) CRITICISM OF OTHER AGENCIES

In matters which police officers believe to be justified complaints and/or criticism of other city agencies, the complaints and/or criticism will be channeled through the chain of command. The voicing of complaints and/or criticism against other city agencies, without following the chain of command, can potentially damage interagency relationships. In the performance of all phases of police work, a positive impartial attitude will be displayed.

- Department personnel will not publically criticize the Denver District Attorney's Office or the courts concerning circumstances surrounding the release of defendants or the disposition of cases.

110.02 MEDIA RELATIONS

(1) RESPONSE TO MEDIA REQUESTS:

Department personnel may respond immediately to news media inquiries. If not personally knowledgeable about the subject, officers and civilian employees should refer the person seeking the information to a supervisor, the senior ranking investigative officer managing an investigation in question, or the Public Information Office.

(2) CONSIDERATIONS FOR RELEASING INFORMATION:

All members of the media will be treated fairly and will receive accurate accounts of the department's activities. Each incident will be considered in light of its particular circumstances. Some of the factors to be considered before releasing information are:

- Will the release affect the department's ability to investigate a case or jeopardize an investigation?
- Will the release unnecessarily embarrass an innocent person?
- Will the release promote pretrial prejudice to the extent that a fair trial might be compromised?

(3) PROPER CREDENTIALS OR IDENTIFICATION:

Any member of the department may ask for proper credentials prior to releasing any information.

- a. Proper credentials include those from the Colorado Press Association, Secret Service press pass, Associated Press, United Press International, or similar type media identification from local or national radio and television organizations.
- b. When telephone requests for information relating to a case under investigation are made and the identification of the caller is in doubt, the caller should be referred to the Public Information Office.
- c. In those instances when the identity of the caller is unknown and a delay in the release would be impractical, identity should be determined by calling the news agency before any release is made.

(4) MEDIA RELATIONS AND ACCESS AT THE SCENE OF AN INCIDENT:

- a. It will be up to the police officer or firefighter in charge of a scene to permit or deny permission to cross police or fire lines to obtain news information. The media may access any area where the general public is allowed.
- b. Crime scenes will be secured as soon as possible. All evidence should be processed before allowing access to members of the news media. No member of the news media will be allowed in an area if there is a possibility of evidence being damaged, destroyed, or altered.
- c. At the scene of hostage situations, barricaded suspects, or other major crimes, members of the public or news media will not be allowed access to any area that would disrupt police operations or jeopardize the safety of department personnel or other persons. In these situations:
 1. An attempt will be made to provide the media with a specific location as near to the scene as practical. This area will be determined by the incident commander or designated PIO. Final authority rests with the incident commander.

- 2. Video and radio depictions of tactical police operations that could be received by a suspect will be prohibited.
- d. The news media will be granted reasonable access to areas at non-crime scenes. Common sense will determine the amount of access in situations where life and property are jeopardized. When practical, consideration will be given to the technical aspects required by the media for broadcast needs.
- e. There will be no attempt to censor or prevent the media from recording the aspects of a non-crime scene, with the exception of access that would disrupt public safety operations and/or jeopardize public safety. The responsibility for the broadcast rests with the media. If a member of the media or public is denied access to a certain location, he/she will be provided an explanation of the reason for doing so.

(5) PHOTOGRAPHS, AUDIO AND VIDEO RECORDING:

- a. The news media will not be allowed to photograph persons in custody within areas of department buildings considered "off limits" to the public at large. Officers may not prevent photographs of persons in custody while in public places, such as while seated in police cars and being escorted through public areas of police buildings.
- b. Authorized agents of the media will be permitted to take pictures of all incidents on public property so long as the taking of such photographs does not delay or interfere with a police investigation or action, or hinder public safety.
- c. Photographs of Evidence:
 - 1. Unless it otherwise interferes with a police investigation, the news media will be permitted to photograph certain evidence, such as large amounts of contraband, narcotics or recovered property, when on display within the confines of a police building. When the investigation is to this point, officers are encouraged to notify the news media, since in all probability this will be their only opportunity to photograph the material prior to the time it is sealed as evidence.
 - 2. No person will be included in any photograph or video recording of the display.
 - 3. Whenever the material has been sealed as evidence, and placed in the appropriate container, it will not be reopened for any publicity purpose, but will be conveyed directly to the Evidence and Property Section. The first consideration of an officer in this procedure is to comply with the rules for the proper preservation of evidence.
- d. Departmental pictures of persons or occurrences will be used by the news media only with permission of the Chief of Police, the command officer responsible for a specific investigation, or the Public Information Office.
- e. Members of the media will not be permitted to pose a person in custody, nor will any member of this department deliberately pose a prisoner for such purposes.

(6) SUSPECT INTERVIEWS:

No member of the news media will be allowed to interview a federal prisoner under any circumstances while such prisoner is in the custody of the Denver Police Department. Requests for interviews of persons in the custody of the Denver Sheriff's Department will be referred to that agency.

(7) INVESTIGATIVE INFORMATION RELEASE:

Denver 911 will normally only release verifications of addresses of radio dispatches, not details of incidents or a resume of activity. Media requests for the status of any investigation will be referred to the Public Information Office.

(8) SPECIAL REPORT/NEWS RELEASE:

When information released is of such volume or importance to constitute a news release, or when officers are involved in a situation that may become a major newsworthy event, officers may forward the

information as soon as possible to the Public Information Office.

(9) SITUATIONS INVOLVING OTHER AGENCIES OR JURISDICTIONS:

- a. Whenever any agency other than the Denver Police Department initiates an activity within the City and County of Denver, that agency is responsible for releasing information about its activity to the news media. In situations involving other jurisdictions within the City and County of Denver that require investigation by the Denver Police Department, the department may release information as deemed appropriate.
- b. Whenever the Denver Police Department initiates an activity in another jurisdiction, the department is responsible for releasing information to the media after advising the other jurisdiction about the activity.
- c. In death investigations, the release of information to the media regarding the victim will be made subject to the notification of relatives and after positive identification of the deceased by the Office of the Medical Examiner.
- d. When the Office of Emergency Preparedness is the coordinator of any activity, the Public Information Office will assist as needed.

(10) MEDIA REQUESTS TO RIDE IN POLICE VEHICLES:

Media requests to ride in police vehicles will be referred to the deputy chief of the division to which the request is being made, or to the Chief of Police through the Community Relations Division. The deputy chief involved or the Chief of Police may authorize such requests when it is determined to be of mutual interest to the department and to the public, and will not be detrimental to normal police operations.

110.03 GUIDELINES FOR RELEASE OF INFORMATION TO THE NEWS MEDIA

(1) OFFICER INVOLVED SHOOTING / IN-CUSTODY DEATH:

- a. The Denver Police Department will not proactively release background information of subjects injured or deceased due to involvement in an officer-involved shooting, or persons who die while in-custody, unless such information is directly related to the event itself. This policy does not apply to situations where public safety would be at risk by withholding such information.
- b. Though proactive release of such information will not occur; the Denver Police Department will comply with its obligations under the Colorado Open Records Act regarding requests for information.

(2) BEFORE AN ARREST:

The release of information will be coordinated with the officer in charge of the incident.

- a. Department personnel MAY release:
 1. Location, time, and description of an offense, property damage, and any injuries sustained by the victim.
 2. The existence of suspects, information about unidentified suspects, such as physical and vehicle descriptions, identification of suspects for whom a warrant has been issued, criminal background in compliance with OMS 109.04.
 3. Method of receiving complaint, length of investigation, and officer in charge.
 - b. Department personnel WILL NOT release:
 1. Identity of suspects interviewed but not arrested.
 2. Identity of witnesses who could be subjected to danger or embarrassment, particularly sex crime victims, including any information that might identify them.
 3. Information regarding physical evidence, valuables not stolen, amounts taken in robberies or burglaries, and information known only to the guilty person.
-

4. Any information regarding juvenile suspects, such as names, addresses, records, mug shots.
5. Misleading or false information and conjectures regarding possible suspects or fugitives.
6. Identity of homicide victims. See OMS 110.02(9)c.
7. Any information regarding police shootings without the approval of the Commander of the Major Crimes Division.
8. Any grand jury information to either the public or media without prior approval from the Chief of Police.

(3) AFTER AN ARREST:

The release of information will be coordinated with the officer in charge of the incident.

a. Department personnel MAY release:

1. Adult suspect's identity, including residence, time and place of arrest, the exact charge, and facts or circumstances relating to the arrest, such as possession of a weapon or contraband recovered.
2. Duration of the investigation and agency responsible for the arrest including identity of the officer; however, when releasing the identity of officers involved in undercover or other operations may jeopardize their safety, their name(s) will not be released.

b. Department personnel WILL NOT release:

1. Names of juvenile suspects.
2. Name of the suspect's employer without the approval of the commanding officer of the investigating unit. Comments about the credibility of testimony, guilt or innocence of the suspect, or the character or reputation of the suspect including prior criminal record with the exception contained in OMS 109.04.
3. Information about the existence or content of a confession or statement made by the suspect, and the results of any examinations or tests conducted.
4. The refusal of the suspect to make a statement or submit to any tests or examinations.
5. Information concerning the suspect's direction or assistance in the recovery of contraband or evidence.
6. Any information received from an informant without the approval of a supervisor in the affected investigative division or district.

(4) INFORMATION RELEASE OR COMMENT:

Once a case has been presented to the Denver District Attorney or Denver City Attorney, no police officer should comment on that case without first referring the matter to, or obtaining permission from the prosecuting agency. Officers will not comment on the charges they think the prosecuting agency will file or whom the charges will be filed against.

(5) CHARGES OF MISCONDUCT AND LEGISLATIVE, ADMINISTRATIVE, INVESTIGATIVE HEARINGS:

Nothing in this procedure excludes department personnel from replying to charges of misconduct that are publicly made against them, or from participating in any legislative, administrative, or investigative hearing. These procedures do not supersede any more restrictive rules, policies or laws governing the release of information.

(6) COOPERATION WITH MEDIA:

Department personnel are responsible for the information they release and they should exercise their best judgment in cooperating with the media in order to ensure that their information is factual and accurate.

110.04 PUBLIC INFORMATION OFFICE

(1) SCENE ASSISTANCE:

When called to assist at a major crime scene or incident controlled by the Denver Police Department or during the investigation of a major crime, the Public Information Office will assist with ensuring that media activities do not interfere with police operations, and that media needs are reasonably and appropriately met. Information released by the Public Information Office will be cleared through the ranking investigating officer or the officer in charge of the scene.

(2) AVAILABILITY:

Members of the Public Information Office are subject to call twenty-four (24) hours a day and available when needed. In their absence, the ranking officer or investigating officer in charge may handle media relations as outlined in OMS 110.02 and 110.03.

(3) RESPONSIBILITIES:

When the volume of inquiries makes it impractical to deal with the media, the Public Information Office should be requested to assist. After the Public Information Office has been briefed by the ranking officer or investigating officer in charge, the Public Information Office is responsible for media relations. When called to assist, a member of the office will:

- a. Respond to the scene or headquarters to take charge of disseminating information to the media.
- b. Make notifications or request the assistance of other personnel in making notifications to the media.
- c. Assume responsibility for initiating other needed media notifications.

(4) MAJOR INCIDENTS:

At the scene of a major crime, hostage situation, disasters, barricaded suspects, or any other situation generating mass media coverage, the incident commander (at his/her discretion) may request the assistance of the Public Information Office through Denver 911. If requested, a member of the office will:

- a. Respond to the scene and establish a media area in coordination with the incident commander.
- b. Disseminate information from the incident commander (or designee).
- c. Coordinate actions of the media.
- d. Communicate with the public in a timely manner via social media.

(5) ADDITIONAL PUBLIC INFORMATION OFFICE RESPONSIBILITIES:

- a. Act as a mediator in matters of disagreement between the media and the department.
- b. Available to all members of the department regarding any police matter relating to the media.
- c. May contact any member of the department for information regarding a newsworthy event.
- d. Acting under the authority of the Chief of Police, members of the Public Information Office may waive the normally required search and copy fee for reports, records, and mug shots for members of the media if it is in the best interest of the public and the department.

110.05 SPEAKING ENGAGEMENTS AND PUBLICATIONS

(1) POLICY:

All department personnel must obtain permission from the Chief of Police prior to accepting or participating in a speaking engagement or prior to submitting any item for publication as an official representative of the Denver Police Department.

- a. Department personnel who want to participate in a speaking engagement will submit their request on a Speaking Engagement Request form (DPD 500). This form will be forwarded through the chain of command for approval by the Chief of Police. Upon approval, a copy will be returned to the officer making the request and the original will be retained in the officer's station file.
-

- b. With the exception of articles submitted for publication in community newsletters and employee organization newsletters, articles prepared for publication in which the author identifies him or herself as a Denver Police Department employee must be submitted in their entirety to the Chief of Police for approval prior to publication. Articles include, but are not limited to, items published in books, magazines, newspapers, newsletters and other periodicals, regardless if disseminated digitally or in print. See OMS 110.06 regarding electronic sharing sites and other forms of social media.

(2) DEPARTMENT MATERIALS OBTAINED OR CREATED:

All materials obtained or created that relate to an employee's employment with the department remain the property of the Denver Police Department. Department personnel must articulate the intended purpose and obtain prior approval from the Chief of Police before using any department materials such as photos, videos, audio recordings, reports, badge images, and/or photos of department personnel, equipment, or buildings for training or publication purposes.

(3) PUBLICATION IN COMMUNITY NEWSLETTERS:

A district or division commander must approve articles submitted for publication in community newsletters.

(4) EMPLOYEE ORGANIZATION NEWSLETTERS:

Employees need not obtain approval prior to submitting articles to employee organization newsletters but such articles should remain professional.

110.06 SOCIAL MEDIA

(1) PURPOSE:

The Denver Police Department recognizes the significance and value of social media as a digital communication platform. This policy establishes the department's position on the utilization of social media, including the management, administration, and oversight. This policy is intended to address social media in general, not a particular form of social media.

Additionally, this policy is intended to address concerns associated with an employee's personal use of social media and to provide guidelines for the regulation and balancing of employee speech and expression with the legitimate needs of the department. The department recognizes the role social media can play in the personal lives of its employees and the effect it can have on their official capacity. Nothing in this policy is intended to prohibit or infringe upon the employee's speech or expression that has been clearly established as protected or privileged.

(2) DEFINITIONS:

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "web log".

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Social Media: A category of internet-based platforms that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Media Coordinator: Assigned to the Community Relations Division, the social media coordinator is responsible for providing general oversight and maintaining the integrity (in terms of content and authorized users) for each official department social media account.

Speech and Expression: The communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

(3) POLICY:

The Denver Police Department endorses the secure use of social media to enhance community engagement and as a catalyst for quickly disseminating information to increase neighborhood safety and awareness. Social media assists the department in meeting community outreach, problem-solving, investigations, and crime prevention objectives. Additionally, social media is a valuable tool when seeking evidence or information regarding missing persons, wanted persons, gang activity, crimes perpetuated online and/or photographs or videos of a crime to assist in case solvability.

(4) OFFICIAL USE:

a. Authorization

1. All official department social media sites, pages or accounts must be approved by the Chief of Police, or his/her designee, prior to the utilization of such.
2. The social media coordinator will maintain a list of all approved department social media accounts. This list will identify each account, including a list of all authorized users and their level of administrative rights for that account.
3. The social media coordinator will limit access to each social media account based on assignment and needs of the department in order to maintain the integrity of the account. Unauthorized access to a department social media account is prohibited.

b. Account Standards

1. Where possible, each social media page will include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website which is to be aligned with the current mission, vision and values of the department.
 2. Each account will clearly indicate that it is maintained by the department and will have the appropriate contact information prominently displayed.
 3. Where possible, the page should link to the department's official website.
 4. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of this department. Each account will clearly indicate that posted comments will be monitored and that this department reserves the right to remove any content as identified below:
 - Advertisements of any kind
 - Profane language or content
 - Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation or transgender status
 - Explicit or implied sexual content
 - Conduct implying, promoting or encouraging illegal activity
 - Information that might compromise the safety or security of the public
 - Any other posting, that by its nature or content, might harm the public's welfare
 - Comments/posts that are repetitive
 - Comments on posts/photos that do not pertain to the page post
 - Unproductive and/or repetitive attacks on the department or its personnel
 5. Social media content will adhere to all applicable laws, regulations and policies including all information technology and record management policies.
 - Content is subject to public records laws. Content must be managed, stored, and retrievable in order to comply with open records laws, applicable records retention
-

schedules and e-discovery laws and policies.

c. Authorized Users

1. Department personnel authorized to represent the department via social media will conduct themselves at all times as representatives of the department, and accordingly, will adhere to all city and department policies and regulations regarding conduct.
2. Authorized users will observe and abide by all copyright, trademark and service mark restrictions when posting these items to social media accounts.

d. Social Media as an Investigative Tool

1. Investigative units may submit prepared case file information to facilitate the identification or apprehension of suspects and/or information in order to generate leads to the social media coordinator for posting to the department's official social media account. The investigative unit, specifically the assigned detective, has the responsibility for: 1) ensuring the information submitted to the social media coordinator conforms to the department's standards regarding the release of information and prohibited disclosures, and 2) forwarding the item to the Commander of the Major Crimes Division for approval.
2. Investigative units may use non-official social media accounts for investigative purposes with the written permission of the Chief of Police.

(5) DEPARTMENT EMPLOYEE PERSONAL USE:

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Denver Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

Department personnel should always be aware that privacy settings and social media sites are constantly in flux, and that they should never assume that personal information posted on such sites is protected. Department personnel should always carefully consider the implications of their speech and any other form of expression when using social media. Finally, department personnel forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any internet site open to public view.

a. Precautions and Prohibitions

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech and expression does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair harmony among coworkers, adversely impact the disciplinary process, or cause disruption to the department, or to any other city agency.
 2. As public employees, department personnel are cautioned that speech, on- or off-duty, made pursuant to their official duties - that is, that owes its existence to the employee's professional duties and responsibilities - is not protected speech under the First Amendment and may form the basis for discipline. Department personnel should assume that their speech and expression, and related activity on social media sites will reflect upon their official capacity and this department.
 3. Department personnel will not post, transmit, or otherwise disseminate any information to which they have access to as a result of their employment or publish materials that could reasonably be considered to represent the views or positions of this department without written permission from the Chief of Police.
 4. When using social media, department personnel should be mindful that their speech and
-

expression becomes part of the worldwide electronic domain. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the general public, including the department, at any time, without prior notice. Therefore, adherence to any applicable city or department policy regarding code of conduct is required when engaging in the personal use of social media. In particular, department personnel are prohibited from the following:

- Speech and expression containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - Speech and expression involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
 - Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of department personnel.
 - Posting information pertaining to any other employee of the department without their permission.
5. Engaging in prohibited speech and expression may also provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. For example, posting statements or expressions to a website that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.
6. Cautionary Note: For safety and security reasons, department personnel are advised to use caution when disclosing their employment with this department. As such, department personnel should use caution when:
- Displaying department logos, uniforms, or similar identifying items on personal web pages.
 - Posting personal photographs or providing similar means of personal recognition that may cause them to be identified as a police officer of this department.

b. Reporting violations

Any employee becoming aware of or having knowledge of a post or of any website or page in violation of this policy will immediately notify their supervisor. The supervisor will take appropriate action as outlined in OMS 503.01, Complaint and Discipline Procedures for Sworn Officers or Denver Career Service Rule 16 for civilian employees.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



111.00 UNIFORMS AND EQUIPMENT

REVISED: 06/21/2019

PAGE: 1 OF 29

111.01 UNIFORM AND EQUIPMENT REQUIREMENTS

(1) GENERAL GUIDELINES:

The Denver Police Department uniform conveys department identity, professionalism, service, and authority. Wearing of the uniform is a special privilege, worn by persons who have completed and undergone significant scrutiny, selection, and training to become a member of a critically important organization. The uniform represents the City and County of Denver as well as cohesion with fellow team members who work to promote public safety and security for this community. To this end, the uniform will be worn by all officers according to policy.

(2) COMPLIANCE:

Deviations from uniform, equipment and grooming regulations are not authorized. Supervisors and command officers are responsible for ensuring that personnel under their command wear the uniform and related equipment according to policy. Supervisors and command officers will take appropriate corrective action as needed to ensure compliance.

- a. When on-duty or working secondary employment in uniform, officers will be guided by the directions in this manual as to the manner and conditions of wearing approved articles of uniforms.
- b. All items (uniform and equipment) worn will be departmental issue or meet department specifications. Unauthorized equipment, alterations or addendum to the official uniform or standard equipment is prohibited (except for uniform items which may be tailored).
- c. Requests for special uniform clothing and equipment must be submitted to the Uniform/Stationery Supply. Officers must adhere to the ordering requirements set forth on the ordering form (DPD 838), completing all required fields for the officer's name, badge, rank, and unit.
- d. The uniform will not be worn while an officer is under suspension.
- e. Lost or stolen department uniforms or equipment will be reported through appropriate channels before replacement will be authorized.
- f. When an officer separates from the department, he/she will return all issued badges unless approval for retention is given by the Chief of Police (or designee).
- g. Police recruits assigned to the academy will wear the uniform and possess equipment as directed by the Chief of Police (or designee).
- h. The Chief of Police (or designee) may designate a specific "uniform of the day" for specific units or the entire department on special occasions, to commemorate a specific event or for any reason deemed necessary.
- i. While working uniformed secondary employment, officers will wear the regulation basic uniform. Specialized uniforms (e.g., motorcycle, BDU, etc.) will not be worn unless required for a specific secondary employment job and authorized by the officer's commander (or designee).

(3) BADGES – METAL AND CLOTH:

- a. All ranks and appointed positions will be issued and wear the sunburst style metal badge in the below described color. Each badge will designate the appointed position or civil service rank and the officer's serial number. The metal badge will be worn on the uniform shirt attached to the badge holder or on the outermost garment to be clearly visible at all times. This issued badge is the only style authorized to be worn on the uniform or displayed while on-duty in plainclothes.
-

- b. Upon completion of probation, officers may purchase an additional badge in any or all the following types: pin, wallet, clip, or flat.
- c. Upon appointment or promotion to a higher rank, officers may purchase an additional badge of the new position/rank in any or all of the following types: pin, wallet, clip, or flat.
- d. The issued cloth badge or an embroidered badge, produced by an authorized vendor, may be sewn on outer garments in lieu of wearing a metal badge, but not on the regulation basic uniform shirt. The cloth or embroidered badge will be affixed to department BDU and polo shirts instead of the metal badge. Cloth and embroidered badges will be silver for sergeant and below, gold for lieutenant and above.
- e. Metal badge descriptions:
 - Officer, technician, corporal, detective, and sergeant: Silver with gold tone center seal.
 - Technician, corporal, or detective with ten (10) or more consecutive years: Gold with silver tone center seal. NOTE: Any technician, corporal, or detective requesting to be issued a badge denoting ten (10) or more consecutive years of service, and currently appointed to that rank, must have a letter signed by their commander confirming his/her years of service and eligibility for the badge. The signed letter will then be submitted to Uniform Supply for final authorization and ordering.
 - Lieutenant and above: Gold with gold tone center seal.
- f. Upon promotion to a different appointed position or rank, the appropriate sunburst style badge, without a badge number, will be issued for wear during the ceremony and pending delivery of an officer's badge with serial number. This temporary badge must be returned to the Uniform Supply Unit when the officer's badge with the stamped badge number is available.

(4) BASIC EIGHT POINT STYLE UNIFORM CAP:

When in uniform, all officers will have the issued basic uniform cap (dark navy blue with appropriate badge and band) immediately available.

- a. Department Cap Badge:

A department issued cap badge, indicating an officer's rank or appointed position, will be affixed to the front of the basic eight-point style uniform cap.
 - b. Uniform Cap - Identified by Rank:
 - 1. Captain and above: Gold cloth band and gold filigree bill.
 - 2. Lieutenant: Gold cloth band and black leather bill.
 - 3. Sergeant: Silver cloth band and black leather bill.
 - 4. Technician, corporal, and detective: Silver metal band and black bill.
 - 5. Officer: Black band and bill.
 - c. Wearing the basic uniform cap is optional, with exception of the following occasions when it will be required:
 - 1. Standing roll calls, formations, and inspections.
 - 2. Parades and special events.
 - 3. Traffic control.
 - 4. Crowd management.
 - 5. Funerals and other formal functions.
 - 6. When directed by supervisors or command officers during situations when wearing the basic uniform cap would be advantageous to mission accomplishment, identification of police personnel, or to enhance the police image or presence.
-

7. Wearing the basic uniform cap is not mandatory in exigent or extraordinary situations where it would not be reasonable or practical.
- d. Manner of Wear:
The cap will be:
 1. Worn in a professional manner, square and level on the head. The cap will not be worn so that it appears crushed, sloppy, droopy, or out of shape.
 2. Complete, with the appropriate cap emblem attached at center front, side buttons, band, and filigree appropriately displayed based on rank.
 - The inner support wire or framework will not be removed.
 - Transparent plastic cap covers may be used during inclement weather.
 3. In good condition, not soiled, frayed, or buckled.

(5) BASEBALL STYLE CAP:

- a. Description:
 1. The cap must be black in color. Worn or faded caps will not be worn.
 2. The cap will be embroidered with the department badge (authorized) or department issued cloth badge sewn on the front of the crown (silver for sergeant and below, gold for lieutenant and above).
 3. Logos, filigree, names, or other graphics and emblems are not authorized.
- b. The baseball cap is authorized for wear by officers only under limited circumstances:
 1. When wearing a BDU uniform (e.g., METRO/SWAT, K9, Academy, Firearms Unit, etc.).
 2. When performing motorcycle duty, including Traffic Operations, Downtown Motorcycle Unit, and Airport Police Division Traffic.
 - NOTE: Only Downtown Motorcycle Unit officers (during shifts involving operation of a motorcycle) may wear a baseball cap with the regulation basic police uniform.
 - Officers assigned to motorcycle duty with Traffic Operations and Airport Division (during shifts involving operation of a motorcycle) may wear a baseball cap only when wearing the authorized motorcycle uniform (motorcycle breeches and boots).
 3. Officers may purchase the baseball cap at their own expense.
 4. No other officer is authorized to wear a baseball cap with the regulation basic police uniform, including on-duty and secondary employment.

(6) HEADWEAR – SPECIAL:

- a. Officers assigned to motorcycle duty will wear the department issued safety helmet with the chin strap fastened when operating a police motorcycle.
 - b. Officers working in a construction area are required to wear the department issued safety helmet in lieu of a hard hat.
 - c. A warm hat, made of fur-like fabric, dark navy blue or black in color, may be worn by all officers in place of the regulation basic uniform cap during inclement weather. A department issued cloth badge or authorized embroidered badge (silver for sergeant and below, gold for lieutenant and above) will be sewn to the center front. Officers may purchase the approved hat at their own expense.
 - d. Other special headwear may be worn in the performance of an assignment when approved by the Chief of Police. Specialized headwear will be kept clean, in good repair, and will have the official DPD badge insignia attached to the center front.
 - e. Officers may wear a plain black knit watch cap type hat during inclement weather.
-

1. A department issued cloth badge (reduced in size) will be sewn to the center front cuff.
2. This hat is not authorized to be worn in lieu of the prescribed cap for the occasions listed in section (4) c.

(7) SHIRT – REGULATION BASIC:

Unless a specific uniform is designated because of special duty requirements or by direction of the Chief of Police (or designee), officers in uniform have the option of wearing either the long or short-sleeved uniform shirt.

The uniform shirt will be worn as follows, with the badge, name plate, memorial pin, appropriate insignia of rank (if applicable), and any other items mandated by policy (see diagram):

a. Short-sleeved shirt:

1. The short-sleeved shirt will be regulation basic dark navy blue.
2. Sleeves will not be shorter than seven (7) inches from the shoulder seam. Sleeves will not be rolled up or turned under.
3. All shirt buttons will be closed except for the neck button which will be worn open.
4. When worn with a visible undershirt, the visible portion must be a crew neck style in black or dark navy blue. A V-neck undershirt may be worn if it is covered by the uniform shirt or ballistic vest, and may be white.

b. Long-sleeved shirt:

The long-sleeved shirt will be regulation basic dark navy blue. Sleeves will not be rolled up or turned under. The long-sleeved shirt will be worn with one of the following options:

1. Closed collar with a black regulation tie.
 - Neckties worn with the long-sleeved uniform shirt will be the issued clip-on type, made of a plain black, dull, or matte surface and tucked into the shirt between the second and third buttons (from collar).
2. An open collar and a turtleneck or mock turtleneck shirt (purchased at the officer's expense).
 - The turtleneck and/or mock turtleneck shirt collar must be form-fitting to the neck, and must not have any visible manufacturer logo when worn with the uniform shirt. The turtleneck or mock turtleneck may be embroidered with the letters "DPD" (½ inch by ½ inch block letters, located on the left side of the collar, starting one inch to the left of the front center point of the collar). The lettering must be white in color for officers and sergeants and may be gold in color for command officers.
3. An open collar and a visible dark blue or black crew neck undershirt. The undershirt will not have any visible manufacturer logo, insignia or lettering.

c. Formal dress uniform shirt – only captains and above are authorized to wear the dress uniform:

When wearing the formal uniform blouse (dress coat), captains, commanders, deputy chiefs and the Chief of Police will wear a white uniform shirt and tie. During non-summer months, the white shirt will be long-sleeved. During summer months, the sleeve length is optional.

(8) TROUSERS AND BREECHES – REGULATION BASIC:

The basic trousers will be worn by all officers, except those assigned to motorcycle duty who will wear the approved breeches, or personnel authorized to wear a BDU.

(9) JACKET:

- a. Wearing a department issued lightweight or heavy field jacket will be optional and at the discretion of the officer. Non-department issued jackets are not authorized.
 - b. Uniform jacket(s) worn by officers will be worn with the appropriate insignia of rank and:
-

1. Issued metal department badge, or
2. Authorized embroidered badge, or
3. Issued cloth badge

(10) RANK INSIGNIA

a. Uniform Shirt (see diagram):

1. Corporal: Two (2) chevrons, blue with white outline on black background, one on each sleeve of the uniform shirt and jacket, centered between the bend of the elbow and shoulder seam.
2. Sergeant: Three (3) chevrons, blue with white outline on black background, one on each sleeve of the uniform shirt and jacket, centered between the bend of the elbow and shoulder seam.
3. Lieutenant: One (1) gold colored bar, $\frac{3}{4}$ inch wide, will be affixed to the center of each side of the collar of the uniform shirt. The front edge of the insignia will be $\frac{3}{4}$ inch from, and parallel with, the front edge of the collar.
4. Captain: Two (2) gold colored bars, $\frac{3}{4}$ inch wide, will be affixed to the center of each side of the collar of the uniform shirt. The front edge of the insignia will be $\frac{3}{4}$ inch from, and parallel with, the front edge of the collar.
5. Commander: One (1) gold colored star, $\frac{5}{8}$ inch tall, will be affixed to each side of the collar of the uniform shirt. One point of each star will point upwards in such a manner that a line bisecting this point will be parallel to the front edge of the collar. The center of the star will be 1 inch from the front edge of the collar and centered on the collar.
6. Division Chief: A gold colored two-star insignia, $\frac{5}{8}$ inch tall, will be affixed in the same relative position as prescribed for commanders.
7. Deputy Chief: Gold colored three-star insignia, $\frac{5}{8}$ inch tall, will be affixed in the same relative position as prescribed for commanders.
8. Chief of Police: Gold colored four-star insignia, $\frac{5}{8}$ inch tall, will be affixed in the same relative position as prescribed for commanders.
9. BDU and Polo Shirts:
Corporal and sergeant chevrons may be black with white outline on a black background (not subdued). Command rank insignias may be a cloth replica.

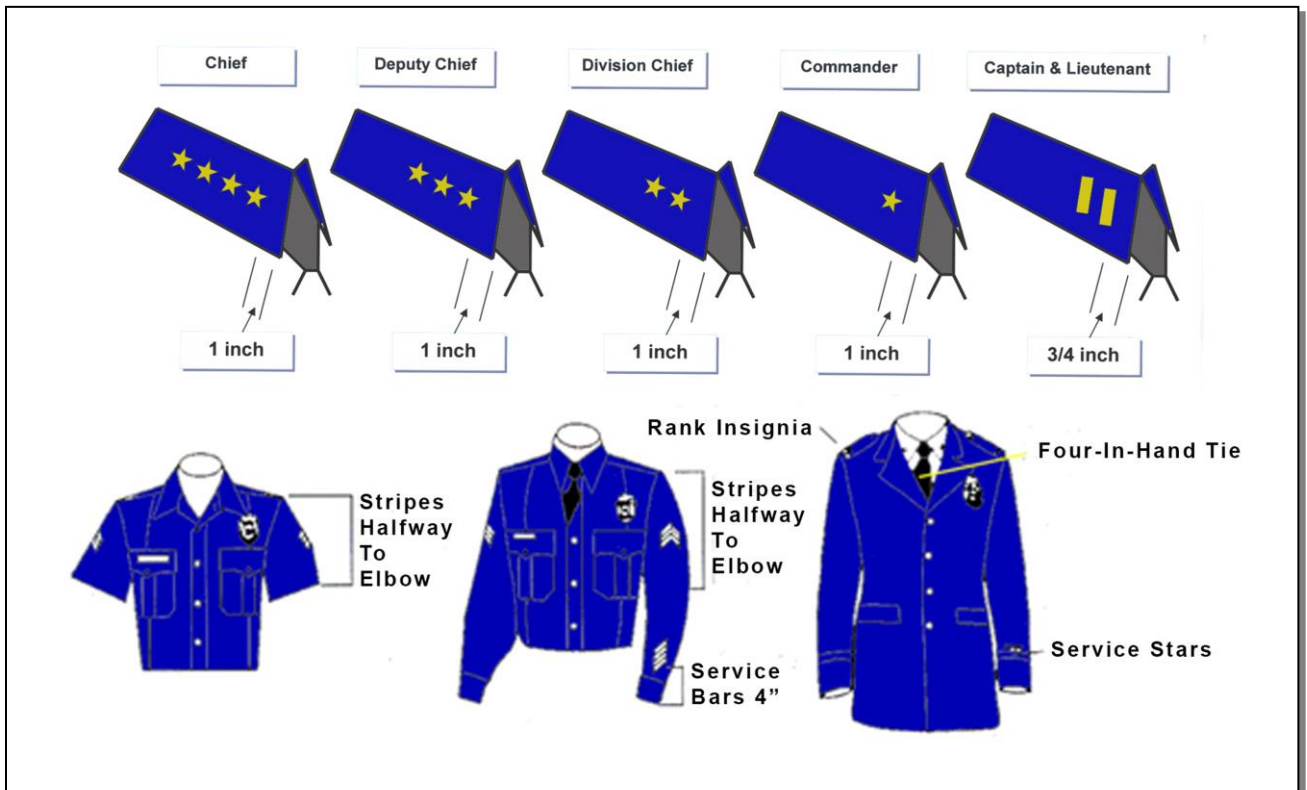
b. Uniform Jacket (see diagram):

1. Corporal and Sergeant:
 - Corporal: Two (2) chevrons, blue with white outline on black background, on each sleeve as shown in shirt diagram.
 - Sergeant: Three (3) chevrons, blue with white outline on black background, on each sleeve as shown in shirt diagram.
 2. Lieutenant and above:
 - With a field jacket or raincoat, rank insignia may be metal or a cloth replica. With the command dress coat, rank insignia will be metal.
 - Lieutenant: One (1) gold colored bar, 1 inch in width (insignia may be metal or cloth with field jacket or raincoat), will be placed with the outer edge, $\frac{5}{8}$ inch above the sleeve seam on the epaulet. The bar will be centered over the shoulder seam and will be parallel to the sleeve seam.
 - Captain: Two (2) gold colored bars, 1 inch in width (insignia may be metal or cloth with field jacket or raincoat), will be worn on each shoulder with the outer edge $\frac{5}{8}$
-

inch above the sleeve seam on the epaulet. The bars will be centered over the shoulder seam and parallel to the sleeve seam.

- Commander: One (1) gold colored star, 1 inch tall, will be worn on each shoulder so that one point of each star is directed to the rear. The center of the star will be one (1) inch above the sleeve seam on the epaulet and centered directly over the shoulder seam.
- Division Chief: A gold colored two-star insignia, 1 inch tall, will be affixed in the same relative position as prescribed for commanders.
- Deputy Chief: A gold colored three-star insignia, 1 inch tall, will be affixed in the same relative position as prescribed for commanders.
- Chief of Police: A gold colored four-star insignia, 1 inch tall, will be affixed in the same relative position as prescribed for commanders.

c. Rank Insignia – Diagram:




























(11) AUTHORIZED AWARDS AND PINS – PLACEMENT ON UNIFORM SHIRT:

- American Flag Bar – optional:
Worn centered $\frac{1}{4}$ inch above the top of the right pocket flap, or $\frac{1}{4}$ inch above other authorized awards and pins.
- Awards and Medals – see section (12).
- CIT (Critical Incident Training) pin – optional:
Centered, $\frac{1}{4}$ inch above top right pocket flap, or parallel and $\frac{1}{2}$ inch to the left of Unit Designation pin.
- Citizens Appreciate Police (CIT) pin – optional:

- ½ inch below top of left pocket flap on right side. When worn in combination, ¼ inch below Field Instructor/CRO pin.
- e. Field Instructor/CRO plate – mandatory for field instructors:
Police Training Officers will wear the regulation field instructor identification plate on the uniform shirt (optional for jacket), centered and in line with the top of the left pocket. Police Training Officers with ten (10) or more years of cumulative service in the position of a Police Training Officer (previously Field Training Officer) may wear a gold colored field instructor pin.
- f. Longevity Service Pin – optional:
Officers with twenty (20) or more years of service with the City and County of Denver may affix the Denver issued longevity service pin to the left side of the name plate, or it may be worn centered on the right pocket flap, between the nameplate and button (see diagram).
- g. Memorial pin – mandatory for all officers:
Centered below top of left pocket flap and pocket button, or directly above button when worn in combination with Field Instructor/CRO pin.
- h. Nameplate (metal) – mandatory for all officers:
- The nameplate will be worn on the uniform shirt (optional for jacket), affixed on the right shirt pocket flap centered one-half (½) inch below the top of the pocket.
 - Nameplates will be department issued and of a color matching the badge (silver for sergeant and below, gold for lieutenant and above).
 - Nameplates will contain a last name and at least one (1) initial.
- i. Twelve Month Officer Mourning bar – optional:
Worn a maximum of 12 months from date of officer's death. Centered between the memorial pin and left side of pocket flap, parallel with the memorial pin.
- j. Unit Designation pin – optional:
Worn below all other replica medals and enamel bars, centered ¼" above top of right pocket
-

(12) AWARDS, MEDALS AND PINS

a. Graphics Table:

The following awards and pins are authorized for wear on the uniform shirt and command dress coat	
American Flag	
Medal of Honor *	 
Medal of Valor *	 
Distinguished Service *	 
Lifesaving	
Purple Heart	
Police Merit	
Leadership	
STAR	
Community Service	
Preservation of Life	
Excellence in Crime Prevention	
DNC Campaign	
G7 Campaign	
Papal Visit Campaign	
Unit Designation	
Citizens Appreciate Police	
Service (longevity)	
CIT	
Memorial	
12-Month Mourning	
Field Instructor/CRO	

* Indicates replica or bar award may be worn

b. Awards, Medals, American Flag Pin – Order of Precedence:

- | | |
|----|--|
| 1 | American Flag |
| 2 | Medal of Honor |
| 3 | Medal of Valor |
| 4 | Preservation of Life |
| 5 | Distinguished Service Cross |
| 6 | Lifesaving |
| 7 | Purple Heart |
| 8 | Leadership |
| 9 | Excellence in Crime Prevention |
| 10 | Police Merit |
| 11 | STAR |
| 12 | Community Service |
| 13 | Campaign Bars (more recent campaign is of higher precedence) |

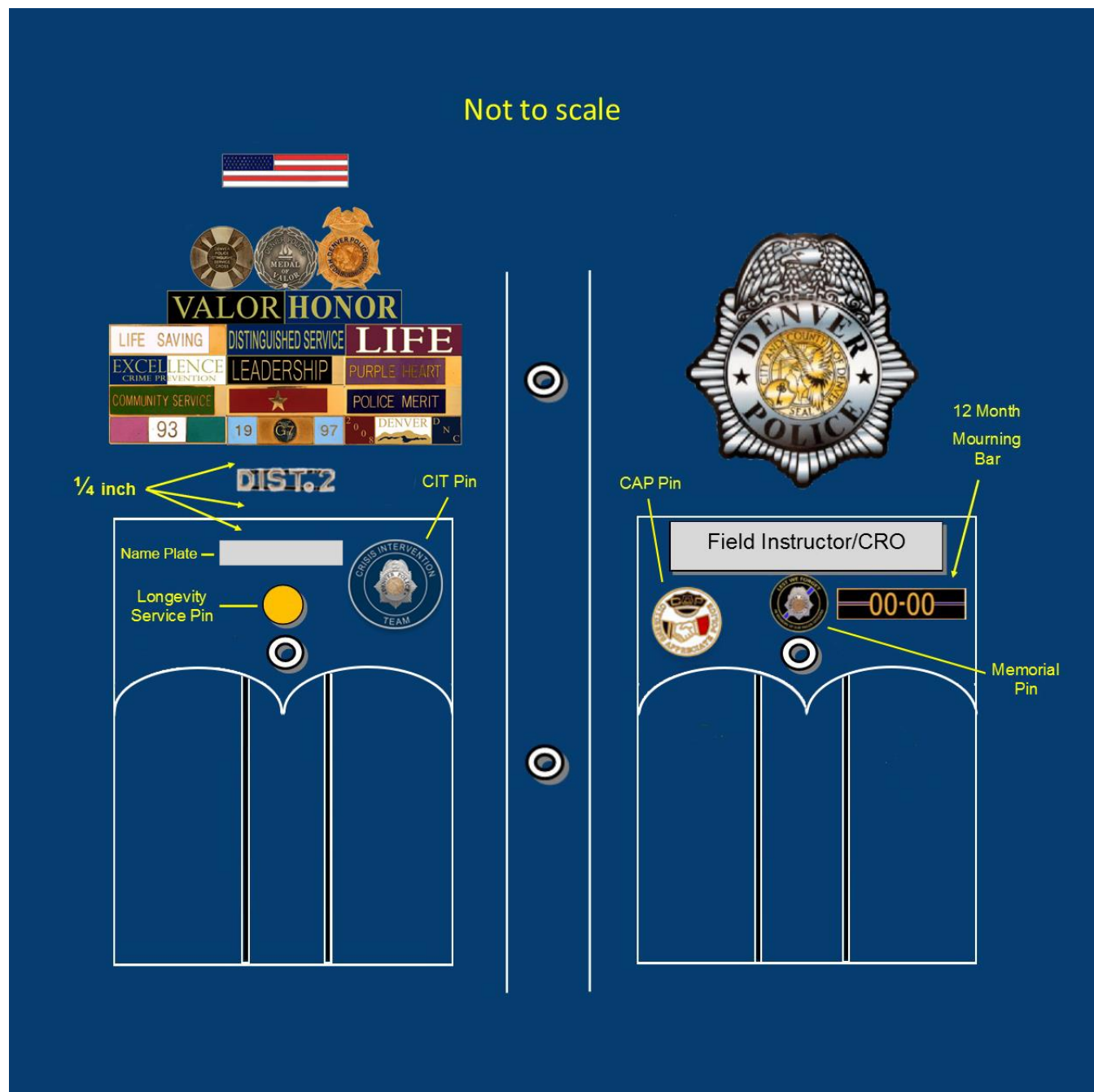
c. Awards/Medals – General Manner of Wear:

1. For aesthetic purposes, replica medals will be worn on separate rows directly above enamel bar awards.
2. Within their designated rows, replica awards and enamel bars will be worn in order of precedence, from highest to lowest (top to bottom), and officer's left to right (higher precedence is closer to the heart).
3. Awards will start ¼ inch above the top of the right pocket or unit designation pin.
4. Awards will be worn in rows of up to three (3) across, connected side by side and top to bottom.

d. Awards/Medals and American Flag Pin – Uniform Diagram:

A link on DPDWeb titled "Uniform Award Diagram" will automatically determine award placement for individual officers by using the established order of precedence. Officers should select the appropriate quantity of each award type and the program will provide an illustration for replication on the uniform.

e. Uniform Shirt Illustration



(13) TROUSER BELT:

The belt worn with uniform trousers will be black in color.

(14) SOCKS:

Solid color socks, either dark navy blue or black without design, will be worn. Exceptions from wearing the required dark socks will be granted only when an officer secures and submits a physician's written statement attesting to the need.

(15) FOOTWEAR:

Uniform shoes or boots will be black in color and constructed of smooth all-leather uppers or permanent shine synthetic uppers with a choice of outsoles.

- a. Shoes may be plain toe style or ventilated coach/referee type with black lacing. Wingtip, loafer, or slip-on shoes are not authorized.
- b. Boots may be the pull-on or laced-up type with a plain toe style. Hiking boots, engineer boots, and construction boots are not authorized. Specialty type boots may be worn when approved by district or division commanders.
- c. Ornamental dressing, design stitching or otherwise decorated shoes or boots are not authorized.
- d. Shoes or boots with visible springs are not authorized.
- e. All footwear should be sturdy, of serviceable quality, and will be kept well-polished and in good repair at all times.
- f. During inclement weather, galoshes, overshoes, or snow boots may be worn. These will be black or dark blue in color and may be a slip-over or pull-on type with zipper, Velcro, button, lacing, or buckle-type fasteners. Boots with multi-colors, stripes, designs, or any visible printing or logos are not authorized.

(16) REFLECTIVE APPAREL:

A department issued high visibility reflective vest or reflective uniform clothing will be worn by all officers assigned specific traffic control assignments, such as at sporting events, etc. Department issued reflective apparel will also be worn by officers directing traffic at accident scenes, fire scenes hazardous material spills, malfunctioning traffic signals, and the like whenever possible.

- a. The approved vest and reflective uniform clothing will be issued through the Uniform Supply Unit.
- b. Officers should not wear high-visibility clothing at any scene where the reflective nature of the clothing will jeopardize personal safety.

111.02 DUTY BELT AND EQUIPMENT

(1) REQUIRED EQUIPMENT:

Unless otherwise indicated, uniformed officers will carry the following department approved or issued equipment items when on-duty or working police secondary employment. Officers in specialized assignments may wear specific uniforms or additional equipment as authorized by the department and their commander.

- a. Uniform Duty Belt – width and manner of wear:

The duty belt will be 2.25" wide and worn so that it fits at the waist with no appreciable deviation from the horizontal plane. It will be affixed to the waist belt with belt keepers or hidden Velcro.

The standard leather and web gear uniform belt will contain the following items:

1. Authorized holster and firearm.
 2. Handcuffs and handcuff case.
 3. Baton ring and/or holder.
-

4. Department issued chemical agent (OC spray) and holder.
 5. Ammunition magazine(s), ammunition and case.
 6. Police radio (uniformed officers in public or when circumstances dictate should wear a police radio with the duty belt). Police radios may be worn with a case that meets department specifications.
- b. Uniform Duty Gear - leather:
- The standard leather uniform duty belt will be issued by the department, or a type authorized by the Chief of Police (or designee) and may be purchased at an officer's expense. The duty belt, handgun holster, cases, carriers, etc. will be plain black, leather or simulated leather. With the exception of department issued equipment, nylon web gear items will not be worn with the standard leather duty belt. Manufacturer logos and/or names on leather duty gear will be hidden or minimally visible.
- c. Uniform Duty Gear - nylon web:
- Officers who have graduated from the basic academy have the option of wearing nylon web gear (lighter weight).
1. The web gear belt and required equipment are not department issued items. Officers opting to wear web gear may purchase the equipment at their own expense, or use uniform points to obtain the belt, handcuff case and OC spray case through Uniform Supply.
 2. With the exception of authorized leather or simulated leather handgun holsters, and plastic baton holders, all cases and carriers worn on the nylon web duty belt will be of a matching web material. Manufacturer logos and/or names on nylon duty gear will be hidden or minimally visible.
 3. Officers attending special events (e.g., ceremonies, parades, funerals, etc.) will wear the standard leather duty belt and equipment items described in this policy.
- d. Holster – general specifications:
- Holsters that meet the department's specifications and which are approved by the Firearms Unit will be worn. Requirements include the following.
1. Holsters will be purchased at the officer's expense.
 2. The Chief Firearms Officer (or designee) will designate suitable holsters that meet departmental guidelines and update the list for Authorized Holsters (DPD 30H).
 3. Non-listed holsters may be approved by the Chief Firearms Officer (or designee) after physical inspection to ensure compliance with established criteria.
 4. Holsters will properly fit the firearm carried, and the holster safety strap or retention device will be in use at all times. Holsters will be worn only in the manner prescribed by this department.
 5. Drop down holsters are not authorized; the holster must be firmly attached on the belt in a "high or standard" position.
 6. Strong side directional draw, retained by the trouser belt.
 7. Cross draw holsters, or strong side directional draw holsters worn in a manner that replicates a cross draw are not authorized.
 8. Sufficient tension to retain the firearm if held upside down and shaken.
 9. Must allow for one-handed holstering.
 10. Smooth, plain black finish.
 11. All other holster types and variations are not authorized unless approved by the Chief
-

Firearms Officer (or designee). No variations, modifications, alterations, or basket weaves are authorized.

e. Holster - Nylon Web Gear Duty:

Web gear duty holsters must meet the same requirements for uniform carry as specified in this policy. Only approved department holsters are authorized. The approved holster list or the Firearms Unit should be consulted.

1. Nylon or plastic molded style holsters that meet the department approved carry criteria, along with kydex, polymer or similar plastic holsters, such as the Safariland ALS and SLS series may be worn with web gear.
2. Products similar to the Bianchi/Safariland "Accumold" and "Nylok" are not authorized.
3. Other brands of approved kydex and polymer holsters are authorized if the finish is smooth or plain black (the "tactical finish" is not authorized).
4. Approved leather or simulated leather duty holsters may be worn with the web gear belt.

f. Ammunition case:

1. A handgun ammunition case that meets department specifications must be worn.
2. An ammunition case for urban rifle ammunition may be worn by officers authorized to carry and use the urban rifle, and must meet department specifications.
3. Authorized ammunition cases may be viewed at the Firearms Unit.
4. Uniformed officers will carry on their duty belt a minimum of two additional magazines.

g. Chemical non-lethal spray carrier:

Chemical non-lethal aerosol spray will be carried in a department issued or authorized carrier. Authorized chemical non-lethal spray carriers may be seen at the Uniform Supply Unit.

h. Chemical non-lethal spray (pepper spray or currently issued aerosol):

When in uniform, all officers below the rank of lieutenant are required to carry the issued chemical non-lethal spray (aerosol) on their duty belt. Exceptions to carrying non-lethal aerosol chemical weapons may be granted to uniformed officers under the following conditions:

1. A letter must be obtained from a medical specialist stating the reason(s) why an officer cannot carry or use the issued aerosol chemical weapons.
2. The medical specialist's decision will be based upon the product information provided by the officer, including the currently issued product's brand name, dispenser size, type and amounts of active ingredients used in the formulation, and the product's expiration date.
3. Only medical letters from specialists such as an allergist, dermatologist, neurologist, ophthalmologist, otolaryngologists, pulmonologist, or toxicologist will be acceptable.
4. Each officer will have the medical letter approved and documented by the Occupational Health and Safety Clinic at Denver Health Medical Center before sending it through the chain of command to his/her division/district commander, or immediate supervisor above the rank of commander.
5. The officer's medical letter will be filed with the Limited Duty Coordinator and a copy sent to the officer.
6. A new medical release will be required each time the department issues a different type or brand of non-lethal aerosol chemical weaponry.
7. The officer must return the issued aerosol chemical weapon to the Uniform Supply Unit with a copy of the medical letter. Uniform Supply personnel will remove the chemical weapon from the Officer's Uniform Clothing Record (DPD 2B).

i. Handcuff Case:

The handcuff case issued by the department or one that meets department specifications will be worn. Authorized handcuff cases may be seen at the Uniform Supply Unit.

j. Handcuffs and other retention devices:

Handcuffs must either be department issued or meet department standards in order to be carried.

1. Handcuffs:

- At least one pair of handcuffs must be carried in an authorized handcuff case. Additional handcuffs may be carried either in an authorized case and/or by use of strap meeting uniform policy guidelines and designed for this purpose.
- A handcuff key must be carried.
- Disposable handcuffs known as "flex cuffs" are used where multiple arrest or immobilization situations exist. These items are purchased by the department and issued as needed by a supervisor. These restraints are self-locking and must be cut or snipped apart after being applied.

2. RIPP™ Leg Restraint Device:

- Carrying of the RIPP™ leg restraint on the officer's person is optional. On-duty uniformed officers assigned to patrol will have the leg restraints immediately available.
- Only departmentally issued RIPP™ leg restraint devices are authorized for use.
- Only officers who have completed the department's RIPP™ leg restraint training are permitted to carry and use this device.

3. Leg Shackles:

- Uniform/Stationery Supply may issue department owned leg shackles to officers in designated assignments. Leg shackles must immediately be returned upon transfer or direction from an officer's commander (or designee).
- Officers will not use leg shackles until successful completion of department authorized training.
- Leg shackles may not be carried on any part of the uniform duty belt.
- Other than ankles, leg shackles will not be attached to any other part of an arrestee's body either directly or through use of an additional connection. Leg shackles applied to an arrestee will not be attached to a stationary or movable object.

4. Prohibited Retention Devices:

- Handcuffs not constructed entirely of metal.
- Hinged handcuffs.
- Handcuffs with an external double locking device.
- Of a color other than black, chrome or silver.
- Rope or cord hobbles.
- Personally owned leg shackles.

k. Impact Tools:

1. Baton - general:

- The baton may be carried or will be immediately available at all times unless specifically excused by other orders. All batons issued by the department are authorized. Supervisors or command officers may require the carrying of a baton and a designated type in circumstances such as riots or crowd control.
-

- Batons will be maintained in serviceable condition and will not be modified, altered or fitted with any unauthorized add-on device that is not approved in writing by the department. They may be marked with the officer's serial number but will not be marked or adorned in any other fashion.
- Defective, broken, unserviceable, or altered batons will not be carried.
- Officers with an unserviceable baton, if issued by the department, will promptly submit a written request for replacement through the chain of command.
- All officers will receive the designated baton training before carrying it on or off duty. Mandatory training will be recorded in the officer's permanent training record. Division, district and section commanding officers will ensure that the appropriate training is current and documented for all officers under their commands.
- All officers will receive mandated refresher training.

2. Baton – expandable:

- An approved expandable baton may be carried upon successful completion of specialized training. The Training Section will maintain a list of approved expandable batons.
- The department currently issues a Rapid Containment Baton (RCB) manufactured by Peacekeepers Products International in either twenty-six (26) or twenty-nine (29) inches when fully expanded.
- Officers previously trained with and issued the Monadnock model MX and/or the Auto Lock baton may continue to carry them in the performance of their duties, provided they successfully complete any current training requirements.
 - Monadnock MX baton - expanded length of eighteen (18) to twenty-four (24) inches.
 - Auto Lock baton - expanded length of twenty-one (21) to twenty-six (26) inches.
- The baton must be black or stainless steel.

3. Baton – straight:

Officers are authorized to carry a straight baton with the following provisions.

- Must be twenty-six (26) or twenty-nine (29) inches in length.
- Thirty-six (36) inches (riot/crowd control).
- Must be composed of a suitable hardwood with no ornamentation except for the officer's name/badge number and a rubber grommet used for carry/retention.
- Commercially manufactured or custom-made batons that closely resemble the length, diameter, composition and appearance of the standard issue baton.
- Successful completion of training is required.

4. Baton – holder or ring:

When carrying a baton, officers will use an issued or authorized holder or ring.

5. Prohibited Devices:

All other devices including but not limited to saps, sap gloves, carbon fiber knuckle gloves, gloves with any hardened material in the knuckles, brass knuckles, billy clubs, batons with ornate carvings or a metal ball attached to either end, yawara sticks, iron claws, shirkins, ropes, and non-department issued leg restraint devices, including rope or cord hobbles are not authorized for carry or use.

I. Orcutt Police Nunchaku (OPN):

1. The OPN is an optional authorized safety tool primarily used for arrest control and self-defense. Other brands, designs, or types of nunchaku are not authorized.
 2. Officers must first successfully complete a basic level OPN course authorized by the Denver Police Department prior to its carry or use in the performance of duties.
 3. Officers must successfully complete refresher training as required by the department. Officers failing to re-certify as required will no longer carry or use the OPN in the performance of duties.
 4. OPNs will be maintained in serviceable condition and will not be modified, altered or fitted with any unauthorized add-on device that is not approved in writing by the department. They may be marked with the officer's serial number but will not be marked or adorned in any other fashion.
 5. Defective, broken, unserviceable, or altered OPNs will not be carried.
- m. Whistle:
Carried on a key strap on the duty belt, concealed within the uniform, or attached to a silver colored chain on the right epaulet and concealed in the right shirt pocket.
- n. CEW/TASER:
While in uniform, all officers issued a CEW/TASER will carry it on their person, both on-duty and during police secondary employment.
1. The CEW/TASER will be worn in a department issued or approved holster, on the side opposite the firearm. A list of approved CEW/TASER holsters is available from the Firearms Unit.
 2. See OMS 105.02 (5) – Less Lethal Weapons – Authorization and Storage.
- o. Key Strap:
A key strap with key ring may be worn on the duty belt.
- p. Belt Keepers:
Officers will ensure that the duty belt is secured to the inner belt by use of belt keepers and/or hidden Velcro.
- q. Watch:
A time keeping device, including but not limited to a wrist or pocket watch, cell phone, etc., will be carried.
- r. Ball Point Pen:
A ball point pen containing black ink will be carried.
- s. Pocket Knife:
Officers are encouraged to carry a non-mechanical pocket knife. The maximum authorized blade length is three and one half (3½) inches.
1. Knives will only be carried in trouser or jacket pockets, or in a case meeting department specifications worn on the duty belt. Except for a visible clip, the knife will be concealed when not in use.
 2. Spring, snap, gravity, switchblade, hunting knives or razors are not authorized.
- t. Flashlight:
A flashlight will be carried, but may not exceed three (3) battery cells in length and three (3) inches in diameter at the head or lens.
- u. Body Worn Camera:
Department issued body worn cameras will be worn in accordance with established policy.
-

- v. Police Radio:
The department issued portable police radio will be carried by uniformed officers in an operational assignment by attachment to the duty belt or within an issued or authorized carrying case.
- w. Current Department Identification Card
- x. Valid Colorado Driver License:
The driver license will state the officer's current residential address or Post Office Box in his/her municipality or county of residence. See OMS 501.05 (4).
- y. Business Cards:
A minimum of three (3) business cards with current contact information will be carried at all times.

111.03 FIREARMS AND AMMUNITION

(1) AUTHORIZED FIREARMS:

The Chief Firearms Officer, with the approval of the Chief of Police, will prepare a list of firearms which are approved for carry. The list will be updated as necessary by the Chief Firearms Officer, with the approval of the Chief of Police, and will assist officers as needed with selection and compliance.

- a. The five (5) categories of authorized firearms are as follows:
 - 1. Uniform: Handguns approved for uniform carry. Officers will carry only one (1) approved handgun and holster visibly displayed. All approved handguns in the uniform category are also approved for all other categories.
 - 2. Plain Clothes: Handguns approved for carry by officers in plain clothes while on duty. These handguns are also acceptable off-duty.
 - 3. Administration: Handguns approved for carry by non-uniform administrative officers while on duty. The administrative status of a Denver Police Department officer's assignment will be determined by the deputy chief in charge of the officer's assignment.
 - 4. Off-duty/back-up: Handguns approved for off-duty carry and back-up. All handguns approved for uniform, plain clothes and administrative categories are also authorized for off duty or back-up use.
 - 5. Utility: Firearms approved for carry while performing specialized functions. The unit commander will determine the necessity for authorization of this category.
- b. Requirements:
 - The firearm will be clean, properly maintained, and in serviceable condition at all times.
 - Only dark colored grips are authorized for handguns.
 - Grips that interfere with prescribed loading procedures are not authorized.
 - Grips must allow the gun to be used easily with either hand.

(2) FIREARMS PURCHASE AUTHORIZATION (DPD 30):

Officers will equip themselves with firearms of suitable caliber and manufacture as will meet requirements set forth by the Chief Firearms Officer. The DPD 30 form will be revised with the current list of approved firearms. This list is available on DPDWeb.

- a. Prior to purchasing a firearm for official use, officers may obtain a copy of the Firearms Purchase Authorization (DPD 30). The use of this form eliminates the requirement to submit to the CBI background check required by Colorado Law. Officers are to submit the form to their commanding officer(s) for signature. Commanders are to authorize purchases only for officers under their commands. The form is then given to the firearms dealer prior to the purchase of the weapon.
-

- b. Disposition of firearms purchased using DPD 30 must be in compliance with Federal law.

(3) REPORT OF LOST / STOLEN FIREARMS:

- a. When a firearm is lost/stolen by any means, officers will report the incident and all pertinent facts and information surrounding it to the law enforcement agency having jurisdiction.
- b. Incidents occurring in Denver require completion of a General Occurrence (GO) report. Incidents occurring outside of Denver will require a written report.
- c. Officers will make immediate notification to their supervisor.

(4) AMMUNITION:

- a. All officers will load their firearms and carry on their person only ammunition issued or specifically approved by the Firearms Unit and the Chief Firearms Officer. Officers are prohibited from carrying reloaded ammunition of any kind.
- b. Handgun magazines will be loaded in the weapon at full capacity (topped off), with one additional round in the chamber. Spare (additional) magazines will be at full capacity (topped off).

(5) INSPECTION OF FIREARMS:

All firearms must be inspected, function tested, and approved by the Firearms Unit prior to being carried either on or off duty.

- a. An annual inspection of all firearms is required. Officers are prohibited from carrying any firearm which has not been inspected, approved, and recorded within the previous twelve (12) calendar months. Each firearm will be inspected and fired for qualification once in each calendar year.
- b. Firearms found to be defective during an inspection will be brought to the attention of the officer owning the firearm. The officer will have such defects repaired. The repaired firearm will be submitted to a Firearms Unit officer for inspection and approval prior to being carried.
- c. Successful qualification with the firearm must be accomplished prior to carrying the weapon.

(6) REPAIRS TO FIREARMS:

Officers assigned to the Firearms Unit are authorized to repair certain approved firearms. The following applies to in-house repairs.

- a. The firearm(s) in question must be an approved firearm.
- b. Department owned firearms will not be altered in any way, except by Firearms Unit personnel or by order of the Chief of Police.
- c. Officers reserve the right to have personally owned firearms repaired by any person or firm of choice. The cost of such repairs will be borne by the officer. After repair or alteration by any person or firm other than the Firearms Unit, the firearm must be submitted to the Firearms Unit for inspection and approval prior to being carried.
- d. In the event that factory repair is required, personally owned firearms will be returned by the officer/owner to the factory for repair at the officer's expense.
- e. Loaner handguns for on-duty use only will be provided by the Firearms Unit under the following conditions:
 - 1. The weapon being repaired is a departmentally approved firearm.
 - 2. The loaner must be of the same make, model and barrel length as the one being repaired (if available).

(7) METHOD OF CARRYING HANDGUNS:

All handguns will be carried in departmentally approved directional draw holsters and will be worn on the strong side. Uniform holsters must have a covered trigger and retention method. Holster Authorization Letter (DPD 30H), lists holsters approved for uniform carry and requirements for plain clothes and off duty holsters. This list is available on DPDWeb.

(8) CLEANING AND LOADING FIREARMS:

When on duty, officers will clean, repair, load or unload firearms only in those locations designated by the Chief Firearms Officer (or designee). For loading and unloading firearms, all police facilities have a clearing barrel for this purpose. This restriction will not apply during rare exigent circumstances; however, safety must be maintained.

(9) WEAPON MOUNTED FLASHLIGHT:

A flashlight mounted on a firearm will be used only when the weapon must be reasonably and necessarily drawn, displayed, and/or aimed.

In situations necessitating illumination but not a firearm, other means of lighting such as a separate hand-held flashlight will be used.

Only standard weapon mounted lights which are activated with a paddle or rocker-style switch in front of the trigger guard are authorized for use. Weapon mounted flashlights that are activated by a front strap pressure switch are unauthorized.

- a. Acceptable weapon mounted lights include, but are not limited to the below brands/products:
 - Insight Technologies
 - Streamlight TLR (without “contour remote” switch)
 - Surefire (without front strap switch)
- b. Unauthorized weapon mounted lights include, but are not limited to the below brands/products:
 - Crimson Trace Lightguard
 - Streamlight TLR series with “contour remote” switch
 - Surefire with “DG” front strap switch
- c. Any questionable weapon light or switch system will be brought to the Firearms Unit for inspection. Final approval will be made by the commander of the Operations Support Division (or designee).

(10) STORAGE OF ANY DEPARTMENT AUTHORIZED FIREARMS:

Officers must ensure that all personally owned, department authorized firearms, including any firearm used on or off-duty, are kept secure at all times.

(11) POLICE VEHICLE SAFES:

When equipped in a police vehicle, gun safes will be used to ensure the secure storage of firearms.

111.04 UTILITY WEAPON PROGRAM

(1) UTILITY FIREARMS - GENERAL:

- a. No personal or unauthorized utility firearms, including privately owned rifles or shotguns, will be carried without proper eligibility, successful completion of required training, and prior authorization of the officer's commander.
- b. Utility firearms, when carried routinely in police cars, will not have a round in the chamber. Rounds will be carried in the magazine. Rounds chambered in anticipation of use will be unloaded and returned to the magazine upon termination of the incident and prior to returning the firearm to the police vehicle.
- c. Department approved utility firearms include:
 1. Utility firearms listed on DPD 30
 2. 40 mm launcher loaded with department issued less-lethal ammunition.
 3. Specialized firearms authorized for use by METRO/SWAT or other specialized units, loaded with department issued or authorized ammunition.

(2) AUTHORIZED UTILITY WEAPON TYPES:

The Denver Police Department authorizes the carry and use of a .223 rifle and Remington 870 shotgun by designated officers during their regular duty assignment. The Firearm Purchase Authorization (DPD 30) lists the approved utility firearms, and is available on DPDWeb.

- a. Authorization to carry a utility firearm is a privilege and can be revoked at any time, for any justified reason, by an officer's commander.
- b. Violations of the utility weapon policy may result in revocation of the privilege to carry and use a utility weapon.

(3) AMMUNITION:

All officers will load their utility firearms only with ammunition issued or specifically approved by the Firearms Unit and the Chief Firearms Officer. Officers are prohibited from carrying reloaded ammunition of any kind.

(4) OFFICER SELECTION:

Officers are selected and certified based on the following criteria, and must:

- a. Have exhibited proficiency with a handgun, scoring ninety percent (90%) average qualification scores or above for the previous one-year period.
- b. Have completed their probationary period.
- c. Be recommended and approved by their commander. Following requests by each district commander, selection within patrol districts will be monitored and approved by the deputy chief of operations. Consideration will be given to the equal distribution of departmentally owned/issued firearms across all details.
- d. Attend and successfully complete a mandatory training course conducted by Firearms Unit personnel.
 1. Urban Rifle Basic Operator's Course
 2. Shotgun Basic Operator's Course
- e. Biannual utility weapon and handgun qualification and proficiency shooting courses must be successfully completed.
 1. Officers who miss a biannual qualification will notify his/her commander, in writing, as to the reason for the missed qualification. Upon the approval of the officer's commander, the officer will make-up the missed qualification during the next qualification period. Officers will not carry or deploy the utility weapon until the missed qualification is rectified.
 2. Officers who are on approved extended leave (i.e., military leave, light duty, suspension, leave of absence, or FMLA) and are unavailable for the required qualification will not carry a utility weapon. Upon the officer's return to full duty, he/she must qualify in the first available qualification period prior to carrying or deploying a utility weapon. Supervisors will ensure compliance with this requirement.
 3. Officers will be removed from the utility weapon program and no longer authorized to deploy such weapon under the following conditions:
 - a. If an officer misses two (2) consecutive biannual qualifications without the approval of his/her commander through the chain of command; or
 - b. If an officer fails to qualify within the first available biannual qualification after his/her return from approved extended leave, as stated above.

(5) CURRICULUM:

The formal updated training curriculum will be maintained by the Firearms Unit.

(6) DEPLOYMENT CIRCUMSTANCES:

Officers may deploy the utility weapon only under the following circumstances:

- a. At the direction of their supervisor; or
- b. When he/she can clearly articulate a need; in which deployment of a handgun might not be sufficient to neutralize a threat, or greater precautionary measures are deemed appropriate.
- c. Officers deploying a utility weapon will function as a cover officer, with no other duties such as searching or handcuffing until the utility weapon is secured in police vehicle.

(7) INSPECTION AND MAINTENANCE OF UTILITY WEAPONS:

Except for designated utility firearms assigned to the METRO/SWAT Section, all utility firearms must be inspected, function tested, and approved by the Firearms Unit prior to being carried. The METRO/SWAT Section will inspect and test designated utility weapons.

- a. An annual inspection of all utility firearms is required. Officers are prohibited from carrying any firearm which has not been inspected, approved and recorded within the previous twelve (12) calendar months. Each utility firearm will be inspected and fired for qualification biannually.
- b. Maintenance of departmentally owned utility firearms will be performed by Firearms Unit personnel, except for designated weapons assigned to METRO/SWAT.
- c. Utility firearms found to be defective during an inspection will be brought to the attention of the officer owning the firearm. The officer will have such defects repaired. The repaired firearm (except for designated METRO/SWAT firearms) will be submitted to a Firearms Unit officer for inspection and approval prior to being carried.
- d. Successful qualification with the utility firearm must be accomplished prior to carrying the weapon.

(8) SHOTGUN CONFIGURATION:

All shotguns, to include department issued and personally owned shotguns, must be equipped with a fixed or collapsible stock affixed to the receiver, and must have a barrel length of at least 18 inches. Any department owned weapons not in compliance will be immediately returned to the Firearms Unit. The following are not authorized:

- a. Folding stocks
- b. Pistol grip without a fixed or collapsible stock

(9) TRACKING AND RECORDING UTILITY WEAPONS AND RELATED DATA:

The Firearms Unit will track and record all utility weapons and qualifications for authorized users/carriers. In addition, the Firearms Unit will produce a biannual qualifications report, no later than fourteen (14) days after the end of a biannual period and forward the report to the Division Chief of Administration.

(10) UNASSIGNED UTILITY WEAPONS:

Unassigned department-owned utility weapons will be stored at the Firearms Unit until issued to an authorized officer.

(11) STORAGE AND CARRYING OF UTILITY WEAPONS:

- a. Vehicle carry – general:
 1. Only authorized and/or issued utility firearms will be carried in police vehicles for use by officers in the performance of their official police duties.
 2. A utility firearm may be carried in the trunk of a police car. The rifle will be in a case with the chamber empty, bolt forward, magazine in the firearm, and the safety on. A shotgun will be in a case with the chamber empty, bolt forward, magazine loaded and the safety on.
 3. Utility firearms may be carried in a vehicle weapon rack designed to fit that specific firearm. Carrying a utility firearm in a vehicle rack not designed for that specific weapons
-

is not authorized.

b. Storage - department issued utility firearms:

To ensure that all utility weapons are kept secure when officers are off duty or their police vehicle is not in use, department authorized utility firearms (including less lethal) will be stored in the following manner:

1. In a locked rack inside the police vehicle passenger compartment or trunk designed to fit that specific weapon, or
2. In a case within the locked trunk of the vehicle, or
3. In a police facility armory or gun locker (unloaded), or
4. Secured in a locked storage device or locker at the officer's residence, or
5. If left unattended in a vehicle when the officer is off duty (i.e. during secondary employment) and the utility firearm is not secured in a department supplied rack, it is the officer's responsibility that the firearm is out of sight and secured in a manner that will not allow access by an unauthorized person.

c. Storage – personally-owned utility firearms:

1. While an officer is off-duty, personally-owned and authorized rifles or shotguns will not be left in an unattended vehicle, and will instead be secured in a locked storage device or locker at a residence or building, or within a police facility armory.
2. Officers using a Class 2 vehicle to travel in an authorized manner to secondary employment while carrying a personally-owned and authorized rifle and/or shotgun will secure the weapons in accordance with (12) a. Upon returning home, the weapon(s) will be secured in accordance with (12) c.1.

d. Department issued utility firearms are the responsibility of the officer to whom the weapon is issued.

111.05 SUPPLEMENTAL UNIFORM AND EQUIPMENT ITEMS

(1) MUST MEET DEPARTMENT SPECIFICATIONS:

Unless determined by the Chief of Police (or designee) as either mandatory or for use during specific situations, uniform clothing and equipment specified in this section have been approved as optional items for use by members. The articles will meet departmental specifications.

(2) UNIFORM:

a. Service Stars and Bars:

1. Command officers (the rank of Lieutenant and above) may wear a five-point (5) gold star, issued by Uniform Supply, for each completed five (5) years of sworn service with the Denver Police Department. Service stars denoting service with another law enforcement agency will not be worn. The stars will be worn one-half (1/2) inch above the braid on the left sleeve of the uniform blouse or four (4) inches above the end of the left sleeve on other uniforms. The top single point of the star(s) will be directed upward toward the shoulder.
2. All other uniformed officers may wear a blue cloth bar, issued by Uniform Supply, for each completed five years of sworn service with the Denver Police Department. Service bars denoting service with another law enforcement agency will not be worn. The service bar will be of like material and shade as the sergeant chevron and worn as indicated on the uniform diagram. NOTE: Both of the above applies to long sleeve garments only.

b. Shoulder Patches:

When authorized, they will be worn on the left sleeve, one half (½ inch) below the shoulder seam.

c. Command Dress Uniform:

This uniform may be worn by captains and above, and only for designated events. Rank insignia will be metal, worn as indicated in section 111.01 (7).

1. The uniform will include the regulation dress coat, white shirt with four-in-hand tie (not tucked into shirt).
2. When authorized, the regulation duty belt and field jacket may be worn with this uniform in place of the dress coat, though designated formal events may require wearing the dress coat without a duty belt.

d. Sweaters:

Sweaters meeting the following departmental standards may be worn with the regulation uniform.

1. Sweaters will be V-neck, one hundred percent (100%) wool, navy blue, reinforced with patches on the shoulders, elbows and forearms, with epaulets.
2. Sweaters must be purchased at the officer's expense.
3. Sweaters will be worn only with the regulation long-sleeved shirt and tie, or a turtleneck shirt, mock turtleneck, or crew neck t-shirt in black or dark navy blue.
4. Sweaters will be worn with the cloth badge of the appropriate rank (silver for sergeant and below, gold for lieutenant and above) name plate, and appropriate insignia of rank attached. No other medals, pins, awards or service stripes will be worn on the sweater.

e. Vests - Protective:

1. Personal armor vests, purchased with a Uniform Supply Unit Chit or at the officer's expense, will be concealed under a uniform shirt. Tactical and ballistic types of vests, other than the approved armor shirts, will be worn over an outer garment only when approved by the officer's commander.
2. Armor Shirts, approved by the department, may be purchased at the officer's expense through Uniform Supply and worn with the regulation uniform. The badge and name plate will be worn on the outside of the armor shirt. If worn with the long-sleeved shirt and tie, the regulation tie must be tucked into the regular uniform shirt.

f. Specialized Outerwear:

The police badge or authorized replica will be displayed when wearing any of the following coats or coveralls:

1. Coverall Parka - this specified parka is intended for optional wear by officers assigned to motorcycle duty in extreme cold weather.
2. Leather Windbreaker Jacket - the specified leather jacket has been adopted for officers assigned to motorcycle duty.
3. Rain Wear - during inclement weather officers may wear the regulation raincoat.
4. Coveralls - coveralls may be worn when authorized by the respective division chief.
 - Coveralls may be worn in lieu of the basic uniform when appropriate.
 - Coveralls will be worn with a name plate and cloth badge, unless the commanding officer determines it is in the best interests of the department not to wear these items.

g. Gloves:

Gloves may be worn for comfort and protection at the officer's discretion.

1. Gloves must be black in color.
 2. Sap gloves, sap type gloves, knuckle gloves, or any glove with a hard element along the knuckles (e.g., carbon fiber gloves) are prohibited.
 3. Protective gloves (without a hard element along the knuckles) are authorized for officers
-

- operating police motorcycles and bicycles.
- 4. White cloth formal gloves made available to the department and may be worn by officers assigned to:
 - Funeral Honor Guard
 - Special dress functions when approved by the commander supervising the detail
- h. Scarf - Warmth:

A scarf may be worn with any of the approved jackets and coats.

 - 1. The ends of the scarf will be kept under the garment.
 - 2. Scarves will be black or dark navy blue in color.
- i. Vests - Warmth:

To increase warmth, vests may be worn inside the approved outer garment and must not extend below it. Vests will be navy blue in color.

(3) EQUIPMENT:

- a. Automotive Door Lock Opening Devices:
 - 1. Officers are authorized to carry and use specialty car lock openers. Car lock opening devices are optional and must be purchased by the individual officer. Any device used to open a car door lock must be professionally manufactured for that use.
 - 2. The decision to use a car door opening device is the discretion of the individual officer.
 - In a non-emergency situation, the requesting person may be advised to contact a bonded locksmith or towing service.
 - Officers should check the driver license and vehicle registration of the requesting person to verify he/she is entitled access to the vehicle.
 - It is the officer's responsibility to advise the requesting person that the use of an automotive lockout tool may cause damage to the vehicle.
 - These devices should not be used on any vehicle equipped with electric door locks.
 - 3. When unintentional damage to a vehicle results from the use of an automotive door lock opening device, a supervisor will be called to the scene to assess the damage. The officer involved will write a letter to the Civil Liability Section through the chain of command. See OMS 3.09

111.06 PERSONAL APPEARANCE - UNIFORM MAINTENANCE

(1) UNIFORM WEAR:

When the uniform is worn, care will be taken that it fits well, is neat, clean, in good repair, properly pressed, and that all leather and brass are polished. Uniforms will not present a baggy, unkempt or sloppy appearance.

- a. Repaired uniforms - Officers will use sound judgement in determining the wear of repaired uniform items or clothing. Uniform items with visible areas of repair, which detract from an officer's appearance, will not be worn.
- b. Uniforms in obvious need of repair/replacement will not be worn.
- c. Supervisory and command officers or IAD personnel will determine the propriety of wearing garments in question.

(2) PERSONAL GROOMING RESPONSIBILITY:

The professional bearing expected of department personnel requires that each officer assume the responsibility for adopting high standards of personal grooming and cleanliness.

The following standards for grooming are deemed reasonable and will be minimum guidelines to be complied with by each officer whenever wearing the uniform. Neatness is mandatory.

Hair grooming will conform to the following standards:

- a. The bulk and length of the hair will not interfere with the normal wearing of the basic eight-point style uniform cap or helmet; nor will the hair curl or flare out from beneath the lower edge of the cap or helmet.
- b. Sides and back of hair may be either tapered or block cut, but in no instance, will the hair overhang or touch the uniform shirt collar when in a position of attention. Hair may cover the upper half of the ear, provided that no more than one-half is covered when the cap is worn.

(3) WEARING OF JEWELRY:

- a. Wearing of jewelry, pins, insignia, buttons or other miscellaneous items not specifically issued or authorized by this department will not be worn or attached to any portion of the uniform so they are or may become visible to the public.
- b. Officers will not wear facial jewelry or other visible body piercing jewelry, including tongue studs. An exception may be authorized by an officer's commander when the officer is working in an undercover capacity, for the limited duration of the assignment.
- c. While in uniform, officers will not wear or display visible neck jewelry, bracelets, brooches, necklaces, fluorescent colored watch bands, or any other item not prescribed to be worn with or as part of the uniform. A memorial or special occasion wrist band authorized by the Chief of Police may be worn for a designated period.
- d. Medical identification bracelets and conservatively styled rings are permitted for wear.
- e. Unadorned post earrings for pierced ears will be considered acceptable for female officers only. Female officers will not wear more than one earring per ear while in uniform. No hoop earrings of any size are permitted.

(4) MISCELLANEOUS RESTRICTIONS:

Fingernails will not extend more than one-eighth of an inch beyond the fingertips. Officers will not wear air brushed or other types of designs on their fingernails while in uniform.

(5) FEMALE OFFICERS:

- a. Hair will not extend lower than the bottom of the uniform shirt collar when standing at a position of attention. If hair is longer, it must be secured or clipped up, and worn at the back of the head to conform to the above length requirement.
- b. Hair will not cover any portion of the eyebrow and must be styled so as not to interfere with vision.
- c. Hair may be worn in a cornrow, ponytail, or French braid style as long as it does not extend beyond the bottom of the uniform shirt collar when standing at a position of attention. For officer safety, no braid or ponytail should be secured high on the back of the head and allowed to hang freely.
- d. Hairstyles will not interfere with the proper wearing of any authorized headgear or gas mask.
- e. Lipstick, facial, and/or eye make-up (including false eyelashes), if worn, must be conservative.

(6) MALE OFFICERS:

- a. Sideburns will not extend downward below the bottom of the ear lobe, with the flare no wider than one and one quarter (1 and ¼) inches. They will be neatly trimmed, will not be excessively bushy, and will not cover any part of the ear.
 - b. The face will be clean-shaven, with the exception that the wearing of neatly trimmed mustaches will be permitted. Mustaches may be moderately curled upward at the ends, and no part of the mustache may be below a horizontal line from the bottom of the lower lip, and may extend no more than one (1) inch past the corner of the mouth. The mustache will not cover any part of the
-

upper lip.

- c. Beards or goatees are not permitted for uniformed personnel.
- d. Plainclothes members may wear beards or goatees only with permission of their division chief.
- e. No officer with a beard or goatee may work or appear in uniform, on or off duty, at any time. All plainclothes officers working off-duty or in a temporary uniformed capacity must conform to the foregoing standards.

(7) RESTRICTIONS - CIVILIAN CLOTHING:

Clearly identifiable Denver police uniform garments (uniform shirt or jacket with badge, etc.) will not be worn with any civilian attire unless the uniform is covered in a manner that prevents identification as a police officer.

- a. Authorized exceptions include tactical events or other circumstances where officers in plainclothes need to be immediately identified as a police officer. In such cases wearing a raid jacket, field jacket, etc. over their outermost civilian attire is acceptable.
- b. The uniform cap will not be worn with any civilian attire. See RR-802.

111.07 PROCURING, REPLACEMENT, AND RETURN OF UNIFORMS AND EQUIPMENT

(1) PROCURING UNIFORMS:

- a. Uniforms may be procured from the Uniform Supply Unit.
- b. Alterations (i.e., hemming, shirt tapering, etc.) will be the personal and financial responsibility of the individual officer.
- c. The officer's personal expense for uniform maintenance and/or replacement is taken into budget consideration when establishing the annual equipment allowance.

(2) LOSS, DAMAGE, AND/OR REPLACEMENT OF DEPARTMENT ISSUED PROPERTY:

- a. In the event of loss or damage to department property during official police action, the officer will direct a letter to the Commander of the Operations Support Division through his or her chain of command, requesting that this property be replaced by the department.
 - 1. A General Occurrence (GO) report must be completed for any lost or stolen police equipment and uniform items. The reporting officer will ensure that the Intelligence Unit is notified in order to track lost or stolen police equipment that could be used in furtherance of other crimes. Using the MRE, the officer will select "routing" on the GO report, add "HINTEL" for the handle and choose "N" (notify). A "notify" will send a copy of the report to the Intelligence Unit, but still allow the report to be routed to the appropriate investigative unit. If using a desktop RMS to create the GO, the routing screen will be displayed when the report is saved. The handle that is responsible for investigating the case will be displayed. Add the "HINTEL" handle and "N" (notify) on the routing screen and select "route".
 - 2. The reporting officer will present the GO case number to Uniform Supply before any items will be replaced.
 - 3. Each request will be forwarded to the Financial Services Section with a recommendation by the Commander of the Operations Support Division, approving or denying the officer's request for replacement. Approved requests will be forwarded to the Uniform Supply Unit.
 - 4. Temporary replacements of department issued equipment may be made only until it has been determined who will bear the cost. If replacement at department expense is not approved, the officer will submit payment to the Financial Services Section for the loaned equipment.

- b. If department issued property is damaged in the course of an arrest, the arrestee may be charged with destruction of public property: DRMC 38-61. The Unified Summons and Complaint should indicate the damage and approximate replacement cost for consideration by the court.
- c. Any department property lost or damaged because of negligence by an officer will be replaced at the officer's expense.

(3) LOSS, DAMAGE AND/OR REPLACEMENT OF PERSONAL PROPERTY:

- a. In the event of loss or damage to personal property during an official police action, the officer will exhaust all legal means of replacing such personal property. The arrested party will be charged with Destruction of Private Property, DRMC 38-71. The Unified Summons and Complaint should indicate the damage and approximate replacement cost for consideration by the court.
- b. Only under extreme circumstances, when every other legal recourse has been exhausted and when the officer can show that the cost of replacement will be more than the department equipment allowance for the current year, will an officer be reimbursed for loss or damage that has occurred to personal property.
- c. The final decision for replacement of personal property will be made by the Financial Services Section in consultation with the Chief of Police (or designee).

(4) RETURN OF DEPARTMENT OWNED UNIFORMS AND EQUIPMENT:

- a. Firearms and Less-Lethal Weapons (includes CEW/TASER, PepperBall®, and 40 mm launcher):
When an officer separates from the department, or is no longer authorized and certified to carry a utility weapon (transfer, discipline, failure to meet program requirements, etc.), any department owned firearm assigned to that officer, along with all issued rifle and shotgun equipment, parts, accessories, uniform items, cleaning supplies, and ammunition, will be returned to the Firearms Unit where it will be inventoried and stored until reassigned.
 - 1. Termination related to discipline or mental fitness:
The Internal Affairs Division will coordinate with the Firearms Unit the return of all firearms and related equipment/accessories, and less-lethal weapons, in connection with the separation of an officer due to discipline or mental fitness, or at the direction of the Division Chief of Administration (or designee). An officer assigned to the Internal Affairs Division will be present and monitor the exchange/inventory.
 - 2. Retirements and non-disciplinary resignations:
The Firearms Unit will facilitate the return of firearms and related equipment/accessories in all other circumstances.
 - b. All other equipment items:
 - 1. Termination related to discipline or mental fitness:
The Internal Affairs Division will coordinate with the Uniform Supply Unit the return of all uniforms and equipment in connection with the separation of an officer due to discipline or mental fitness, or at the direction of the Division Chief of Administration (or designee). An officer assigned to the Internal Affairs Division will be present and monitor the exchange/inventory.
 - 2. Retirements and non-disciplinary resignations:
The separating officer, through his/her division assignment, will coordinate with the Uniform/Stationery Supply Unit the return of all department uniform and equipment items (except for firearms and related equipment/accessories, and less-lethal weapons).
 - c. Upon retirement or separation, all items of issue will be turned into the Firearms Unit and/or Uniform Supply Unit for clearance prior to final pay. See OMS 504.02 (4).
-

111.08 NON-UNIFORM ATTIRE AND EQUIPMENT

(1) NON-UNIFORM ATTIRE:

All on-duty officers who are authorized to wear clothing other than a regulation uniform will wear either business, business casual, utility, or undercover attire as approved and authorized by their commander.

(2) ON-DUTY PLAINCLOTHES OFFICERS:

On-duty officers in plainclothes or soft uniform (e.g., polo shirt, etc.) will carry on their person the following items at all times:

- a. Department Badge
- b. Department issued police identification
- c. Authorized holster and handgun
- d. Ammunition
- e. Handcuffs
- f. Handcuff key
- g. Police radio:

It is not a requirement that the radio be carried at all times by plainclothes personnel; however, the officer's issued radio should be available when traveling away from his/her assigned police facility.

- h. Personnel actively involved in an authorized undercover operation may be excused from these provisions with authorization of the incident commander

(3) RAID JACKET:

Plainclothes personnel will have available a jacket or other attire which clearly identifies them as a police officer, meant to be worn as the outermost garment on the upper part of the body.

- a. Attire that would meet the requirements of this section includes:
 1. Raid type jackets with DPD cloth badge and the lettering "POLICE" on both the front and back of the garment.
 2. Protective Vests with DPD cloth badge and the lettering "POLICE" on both the front and back of the garment.
- b. During rapidly evolving emergency or tactical situations, plainclothes officers should don the identifying attire as soon as they can safely do so.
- c. Plainclothes personnel involved in pre-planned tactical operations will wear the identifying garment for the duration of the operation.
- d. Plainclothes personnel involved in stakeouts or undercover operations may cover the identifying attire with other clothing if those garments can be easily and immediately discarded in an emergency.
- e. The identifying garment may be worn at crime scenes or when supervisors or commanding officers deem it appropriate.

(4) SAFETY CONSIDERATIONS:

- a. When arriving at a crime in progress or unfolding tactical emergency, plainclothes officers will advise the police dispatcher that they are on scene in plainclothes. They should provide a description of themselves for the benefit of all responding personnel.
 - b. Plainclothes officers should immediately identify themselves to responding uniformed personnel, and as needed to other law enforcement officers.
 - c. If challenged by uniformed personnel, plainclothes officers should follow the officer's directions precisely and only reach for credentials or other identifying items when told to do so.
-

111.09 IDENTIFICATION CARDS

(1) REQUIREMENTS:

All civilian attired officers and CS employees are required to wear their department identification cards, in plain view, at all times while in the Police Administration Building or other police facilities.

- a. Officers in uniform are not required to display their identification cards when in uniform.
- b. Some police facilities may have requirements or permissions specific to their location.
- c. Supervisors and command officers will enforce this requirement.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



112.00 VEHICLES AND VEHICULAR EQUIPMENT

REVISED: 12/26/2018

PAGE: 1 OF 10

112.01 DEPARTMENT VEHICLES

(1) PURPOSE:

The Denver Police Department utilizes motor vehicles in a variety of applications. In order to maintain a system of accountability and to ensure vehicles are used appropriately, regulations relating to the use of these vehicles have been established. For the purposes of this policy, department vehicles are considered to be any vehicle owned, rented, leased or maintained by the City.

(2) INVENTORY AND CONTROL:

- a. The Operations Support Division commander (or designee) is responsible for the allocation of all department vehicles. No vehicle will be reassigned without the written authorization of the Operations Support Division commander on the Vehicle Re-Assignment form (DPD 614). The form must be filled out in its entirety, ensuring that both the relinquishing command officer and the receiving command officer acknowledge the transfer.
- b. All department vehicles will be assigned a 5-digit unit inventory number.
 1. Unit inventory numbers will be placed on the front fender and trunk lids of marked units, on the back edge of the driver's door of unmarked units and on the ignition switch of motorcycles.
 2. The unit inventory number will be used to obtain fuel and for service maintenance/repairs.
 3. When designated, the unit inventory number will be reported on all department forms.
 4. The unit inventory number will in no way affect and is not related to radio call-signs (e.g. precinct cars, etc.).
- c. When it is necessary for an officer to use a department vehicle for police purposes, outside of their tour of duty or by reason of special assignment, the officer must obtain written approval from their commanding officer (or designee) prior to doing so.

(3) GENERAL OPERATION OF DEPARTMENT VEHICLES:

- a. All department personnel are responsible for the proper use and care of department vehicles and vehicular equipment. Cases of neglect, alteration or other misuse may result in disciplinary action.
 - b. Officers will set an example of good driving, operating department vehicles in a careful, lawful and prudent manner to prevent accidents, injuries, property damage and to promote good public relations.
 - c. Officers driving department vehicles will conform to all departmental policies and ordinances regulating driving. Unsafe or negligent driving is prohibited and will result in discipline.
 1. All officers and CS employees will use the safety restraint device (seat belt) provided while operating or riding in a city vehicle.
 2. Failure to use the required safety restraint device as directed, for officers transporting prisoners (prisoner restraint) and for officers and CS employees themselves, will result in these minimum penalty assessments:
 - 1st violation: oral reprimand and journal entry
 - 2nd violation in a 12-month period: written reprimand
 - 3rd violation in a 12-month period: one (1) suspended day
 - Subsequent violations will be dealt with more severely
-

3. Injury accidents in which an officer failed to use the required safety restraint device may result in a substantial reduction of state compensation benefits.
4. In accordance with CRS §42-4-237, a peace officer performing official duties may remove the safety restraint device during vehicle operation only when necessary for the protection of the officer. *This is not to be interpreted as meaning officers are excused from wearing a safety restraint device. Based on tactical need, officers may strategically and temporarily remove their safety restraint device during vehicle operation.*
- d. When a department vehicle is unattended and out of sight of the operator, the vehicle should be turned off and legally parked, when practical, and properly secured by locking the doors and ensuring the windows are rolled up.
 1. Officers will not unnecessarily stop or park on sidewalks, vegetation, and/or other areas not suited for vehicle traffic and should utilize discretion when obstructing the free movement of traffic.
 2. The practice of allowing the vehicles to sit and idle for long periods of time is damaging to the motor and a wasteful consumption of fuel. All vehicles are equipped with anti-idle technology and officers should utilize this feature when possible.
- e. Officers will not turn in a vehicle at the end of their tour of duty with less than one-half (1/2) of a tank of fuel. Vehicles will be clear of trash and other debris, found property, and evidence.

(4) VEHICLE INSPECTION:

- a. Responsibility for damage to department vehicles will rest with the individual officer assigned to the unit at the time of its discovery, subject to the following procedure:
 1. Officers will examine their assigned vehicle at the start of each tour of duty.
 2. Visible damage to the vehicle, unless previously documented, will be brought to the immediate attention of the officer's supervisor. The officer will submit a report of the damage to his/her supervisor. Officers who are found driving any fleet unit which displays obvious and unreported damage are accountable and responsible for such damage.
- b. Officers will make sure that the auxiliary equipment (e.g., radio, fire extinguisher, emergency overhead lighting and any other departmentally issued equipment) is present and in good working order. Fire extinguishers will be equipped with seals to ensure their integrity. If a seal on a fire extinguisher is broken or if it is used, the extinguisher must be replaced. The officer using the item will notify his/her supervisor in order to obtain a replacement.
- c. Officers will note the condition of the vehicle and auxiliary equipment on the Daily Activity Log (DPD 120). Officers are responsible for damaged and/or missing equipment which they fail to report and which should have been discovered during the vehicle inspection.
- d. Defective equipment and/or missing items must be brought to the immediate attention of the officer's supervisor.
- e. Supervisory officers will periodically inspect, as far as it is practical, each fleet unit assigned under their supervision.

(5) PREVENTATIVE MAINTENANCE:

The Fleet Management Section will publish a list of all units and their respective preventive maintenance schedule on a weekly basis. This list will be sent electronically to all bureau, division, district, section and unit vehicle coordinators. Vehicles requiring preventative maintenance will be delivered to the appropriate facility for service. Vehicles not delivered in a timely manner may be placed on fuel restrictions. Designated supervisory officers will be responsible for ensuring compliance.

- a. Washing and Lubrication
 1. All department vehicles will be taken to the service center for washing and lubrication
-

according to the schedule established by the Fleet Management Section.

2. Whenever a department vehicle is at the service center for washing, service center personnel will determine if the vehicle is in need of lubrication and/or an oil change. Any vehicle requiring such maintenance should remain at the service center until the service is performed. Exceptions to this rule include a response to an emergency call, the lack of qualified service center personnel to perform the required service, or other extenuating circumstances.

(6) COMMAND RESPONSIBILITY:

Commanders (or designee), will conduct quarterly general-purpose inspections of all department vehicles and vehicular equipment assigned to their respective commands. These inspections will be in addition to the daily inspection done by personnel prior to driving department vehicles.

- a. Assigned vehicles will be inspected for any unreported damage, unauthorized alterations, missing or defective vehicle/auxiliary equipment and neglected maintenance.
- b. All problems discovered during a general-purpose inspection will be corrected or investigated further.
- c. All department vehicles will be accounted for and their assignments verified in writing to the Fleet Management Section.
- d. Commanders (or designee) will investigate all incidents of damage, loss or misuse of assigned vehicles and vehicular equipment.
 1. The investigating command officer (or designee) will send a written report of the results through the chain of command and will initiate action to prevent the abuse of department vehicles, including identifying measures to correct the behavior of subordinates who neglect, misuse or damage such equipment.

(7) PUSHING OTHER VEHICLES:

- a. Only police vehicles equipped with push bumpers will be used to push other vehicles.
- b. Police cars may be used as push vehicles when it is necessary to remove disabled passenger cars or conventional pickup trucks from hazardous roadway positions and alternative methods are not practical or appropriate.
- c. Disabled vehicles should be pushed no farther than the nearest, safe, off-roadway location.
- d. Officers will check for proper bumper alignment and take all necessary precautions before pushing other vehicles.
 1. Unintentional damage to a vehicle being pushed will not be handled as a traffic accident. A supervisor will respond to the scene to assess the damage. The officer involved will complete a GO report, titled, "Letter to Detective", explaining the circumstances of the damage. The Civil Liability Section will connect submitted claims with GO reports.
 2. Any damage or injury resulting from the pushed vehicle coming into contact with a person or object will be reported on a State of Colorado Investigator's Traffic Accident Report, Form DR 2447. See OMS 203.08.
- e. Vehicles should not be pushed at speeds exceeding five (5) miles per hour.

(8) VEHICLE REPAIRS:

- a. Officers will be alert for anything which may need attention or repair.
 - b. When the condition is critical, the vehicle will be driven or towed to the maintenance section of the police garage. If repairs are in question, a police garage supervisor will decide on appropriate action.
 1. When a vehicle is driven or towed to the police garage, the responsible officer will ensure the vehicle key board or other tracking system indicates its location using established
-

- division or district procedures.
2. The following procedure will be used when turning in defective vehicles when the police garage is closed:
 - Vehicles will be left on the east side of the police garage (5440 Roslyn Street).
 - The vehicle keys and completed Fleet Maintenance Work Request (DPD 267) will be placed in the "drop box" located next to the overhead door marked A-2.
 - The service center supervisor will be notified when a vehicle has been left in any other location and needs a police tow.
 3. Vehicles turned in for body damage will be parked at the north end of the police garage. A completed Fleet Maintenance Work Request (DPD 267) and the vehicle keys will be placed in the "drop box".
 4. During normal business hours, the service center tow will be used. If it is necessary to tow a vehicle and the service center is closed, a city contract tow will be used.
 - c. If the condition is not critical, a Fleet Maintenance Work Request (DPD 267) will be completed and forwarded to the police garage. The work will be scheduled. The reporting entity will be advised as to when the vehicle is to be turned in.
 - d. Officers will thoroughly check any vehicle sent to the police garage and remove all personal property and weapons.
 - e. Officers will not call the police garage to inquire if their units have been repaired. The reporting entity will be notified when repairs are completed.
 - f. Upon notification from the police garage that repairs are completed, the reporting entity will pick up the vehicle as soon as possible and return any pool unit being used in its place.
 - g. Minor repairs, such as belts, hoses, lights, or fluids will be done at the service center.

(9) ACCIDENTS AND DAMAGE TO VEHICLES:

Officers will be held accountable for driving violations which result in accidents. Officers will be held strictly accountable for damage caused by abuse or careless handling, and failure to request necessary repairs will be the liability and responsibility of the officer using the equipment.

- a. Officers who during their tour of duty, cause any damage to the interior or exterior of a fleet unit, will report such incident to their supervisor at the earliest reasonable time.
- b. Defective equipment not construed as damage, or equipment damaged as a result of a non-traffic accident incident, will be reported as outlined in vehicle inspection reporting procedures.
- c. A traffic accident report will be made when fleet units are damaged in any accident involving another vehicle or any fixed object. See OMS 203.08

(10) CAR POOL PROCEDURES:

- a. All vehicles in the police fleet not otherwise assigned to patrol districts or to a specific assignment are assigned to the car pool located at the police garage.
 - b. All car pool vehicles will be used in compliance with the following guidelines:
 1. An officer requiring use of a car pool vehicle will complete an Authorization for Vehicle Tag (DPD 20) and present it to a police garage supervisor.
 2. The officer will then be given the keys to a car pool vehicle and informed where the car is parked, or it will be delivered to the requesting officer.
 3. Officers will return the vehicle to the car pool immediately upon completion of its use. Patrol district officers will return the vehicle when a regularly assigned car is available or as directed by their supervisor.
 4. When an officer takes possession of a pool car, it is his or her responsibility to inspect the
-

vehicle to ensure that it is in compliance with all relevant policies. Damage or other issues needing correction will immediately be reported to a police garage supervisor who will inspect the unit and take appropriate action.

5. Officers should inform police garage personnel where they parked a pool vehicle upon returning it to the garage. Police garage personnel (car pool) should inform the assignment of a vehicle's location when returning it to their facility (headquarters, district station, etc.)
6. Officers returning vehicles will note on the sign in slip any repairs that may be needed.
7. Pool cars are assigned as temporary replacements for specific vehicles requiring repairs. A pool car can be checked out for a seven-day special assignment if cleared through the Manager of the Fleet Management Section (or designee).
8. The police garage will monitor the use of pool cars, and when necessary will retrieve delinquent special assignment vehicles. In order to avoid misunderstanding, garage personnel will make every effort to inform officers of these time limits when the vehicle is checked out.

(11) PASSENGERS:

a. Authorization Required:

No individual may ride in a Denver police vehicle without prior authorization, except for:

1. Denver Police Department personnel, including police reserve officers.
2. A Denver county peace officer.
3. Individuals transported because of a police action or on official police department business.
4. Individuals transported upon orders of supervisory or command officer.
5. Denver Public Safety Cadets may ride in police vehicles when authorized in accordance with the policies of the Public Safety Cadet Program.
6. Denver Police Explorers may ride in police vehicles when authorized in accordance with the policies of the Denver Police Explorer Program.

b. Outside Law Enforcement Officers:

Members of other law enforcement agencies may be issued permits to ride in a police vehicle at the district/section level.

c. All Other Persons:

All other passengers must obtain approval from the Chief of Police or Deputy Chief prior to riding in a department vehicle. The Deputy Chief may delegate this authority to division chiefs, district commanders, or section commanding officers.

d. Requests for Authorization:

Requests for authorization will be submitted on an Authorization to Ride in a Denver Police Car (DPD 8). All individuals applying to ride in a Denver police vehicle will be cleared through CCIC/NCIC and undergo a criminal history background evaluation. All applicants will need to be free of adverse or serious criminal history information and individuals with a felony conviction will be denied authorization. On a case-by-case basis, individuals with a non-felony criminal history will be assessed by the Deputy Chief, district commander, or a section commanding officer for authorization. Commanders (or designee) will ensure that the form has been properly completed and that the requesting person has complied with all requirements prior to commencement of the ride along.

1. Yearly Limitations:
-

Authorization will not be granted to individuals more than once each calendar year, nor to persons under the age of twenty-one (21), unless approved in advance by the Deputy Chief.

- This provision does not apply to members of other law enforcement agencies.
- Citizen academy graduates, who are in good standing with the department, may ride twice per calendar year.

2. Record Retention:

Original ride permits will be maintained on file at the district or section level for three years. A copy will be provided to the rider.

3. Written Statements:

Where statements from witnesses are appropriate, officers will ensure that riders provide such statements.

4. Denver 911 Notification:

At the beginning of their shift, officers will notify the dispatcher of an authorized rider and this information will be recorded on the CAD System. Officers will record all pertinent information regarding riders on their log sheets.

5. Photographs or Recordings:

Unless approved by the Deputy Chief, no photos or recordings by riders will be permitted.

6. Specialized Units:

All ride authorizations for METRO/SWAT, Canine, or Gang Section require prior approval from the Division Chief of Investigations.

(12) FULL USE / TAKE HOME VEHICLE AUTHORIZATION:

a. Application:

This policy applies to all department personnel, whether assigned a city vehicle or a non-city owned vehicle provided by an outside agency. The use of all federally owned or leased vehicles will be in accordance with applicable federal rules and regulations. Personnel will not allow assigned vehicles to be driven by unauthorized persons.

b. Authorization:

1. An Authorization for Full Use Vehicle (DPD 655) must be completed for each employee assigned a full use / take home vehicle. The completed authorization form, signed by the employee's commander / director, will be forwarded to the Commander of the Operations Support Division, and then through the appropriate chain of command to the Chief of Police. Failure to properly complete and submit the form may result in the suspension or loss of full-use vehicle privileges for the affected employee(s).
2. No officer, regardless of rank, will be assigned a full-use vehicle without the approval of the Deputy Chief and the Chief of Police. The Executive Director of Safety will approve vehicle assignments for the Deputy Chief and the Chief of Police.
3. The authorization form must be updated when there is a change in vehicle assignment, or assignments requiring a full-use vehicle are created. The Operations Support Division is responsible for maintaining completed DPD 655 forms for the current and preceding year.

c. Vehicle Classification Types:

1. Class I:

Authorizes the user to drive the assigned vehicle to and from work and for personal use. The employee's residence, and any personal use, must be within a 25-mile

radius of the City and County Building. Personnel operating a Class I vehicle in compliance with all applicable policies will be covered by worker's compensation. Family members, friends, and other passengers may ride in the vehicle but will not be covered by the authorized vehicle user's city worker's compensation insurance.

- The employee's assignment requires immediate response to emergency situations on a 24-hour on-call basis, or other duties assigned by the Chief of Police (or designee).
- The immediate response requires the use of specialized safety or emergency equipment that must be carried in or on the vehicle (examples include but are not limited to emergency lights or siren, police radio, riot equipment, protective equipment, weapons, technical equipment and tools that support the police mission during emergencies).
- Class I employees include the first level of response to emergency situations where any delay could jeopardize the police mission. Employees operating a Class I vehicle, upon receiving notification to respond, will proceed directly to the event.

2. Class I On-Call:

All policies applicable for a Class I vehicle apply to employees using Class 1 vehicles while on-call. Authorization will only be given to designated primary on-call personnel in areas of the department designated by the Chief of Police.

3. Class II:

Authorizes the employee to drive the assigned vehicle only directly to and from work. The employee's residence must be within a 25-mile radius of the City and County Building. Personnel operating a Class II vehicle in compliance with all applicable policies will be covered by worker's compensation. Friends and family members are not permitted to ride in the vehicle.

- The employee's assignment requires immediate response to emergency situations on a 24-hour on-call basis, or other duties assigned by the Chief of Police (or designee).
 - The immediate response requires the use of specialized safety or emergency equipment that must be carried in or on the vehicle (examples include but are not limited to emergency lights or siren, police radio, riot equipment, protective equipment, weapons, technical equipment and tools that support the police mission during emergencies).
 - Class II authorizes the employee to operate the vehicle between scheduled on duty overtime assignments and their residences.
 - Class II authorizes the employee to operate the vehicle to and from secondary employment only in conjunction with travel to and from his/her on duty work assignment.
 - Driving from home to secondary employment and then returning home is not authorized.
 - Driving from an officer's on-duty work assignment to home and then to secondary employment is not authorized.
 - For the purposes of this policy, motorcycles that are assigned as take home vehicles will be considered Class II.
 - Class II users may operate the vehicle as a full use vehicle except that PERSONAL USE IS PROHIBITED.
-

4. Class II On-Call:

Class II On-Call includes all items listed for a Class II vehicle. Authorization is given to the employee only during the period they are designated as on-call by his/her commanding officer.

112.02 EMERGENCY OPERATION OF DEPARTMENT VEHICLES

(1) COMPLIANCE WITH LAW:

Police vehicles while parked, stopped, or in motion, must be under control at all times. Operators will obey all provisions of the Colorado Vehicle Code, Denver traffic ordinances, and police department regulations.

Officers are expected to exercise a standard of care consistent with C.R.S. §42-4-108, in particular subsection 4: "(4) The provisions of this section will not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver from the consequences of his reckless disregard for the safety of others."

(2) TYPES OF EMERGENCY DRIVING:

The proper handling of an emergency by a police officer cannot be accomplished unless the officer arrives safely at the scene. There are two emergency (red light and siren) driving situations:

- Emergency
- Pursuit Emergency Driving – See OMS 204.01

(3) SITUATIONS WHEN EMERGENCY DRIVING (CODE 10) IS AUTHORIZED:

- a. Responding to an officer calling for help.
- b. Shootings, robberies in progress, explosions, other catastrophes, or major disaster in which lives are endangered.
- c. Ambulance investigations when identified by the dispatcher as a Code 10 call, or when Code 10 is requested by ambulance personnel.
- d. In certain cases, a supervisor or command officer may give permission for transporting or escorting a patient to a hospital.
- e. When requested by the police dispatcher.
- f. Calls of any type when there is *imminent danger to a person or persons*. Imminent danger is defined as danger that is certain, immediate and impending. Justification for Code 10 response must be limited to the facts known by the officer at the time of the call.

Examples:

- *Assault with weapons*
 - *Disturbances with weapons*
 - *Suicidal party who is in imminent danger to self through any means*
 - *Excited delirium*
 - *When the complainant believes and clearly articulates, that his/her life is in imminent danger*
- g. When the dispatcher reports that original events have escalated to a situation of imminent danger.
 - h. Police foot chases.
 - i. Officer holding an individual(s) at gun point.
 - j. Other situations or circumstances, including but not limited to the distance to a call, traffic conditions, or knowledge of prior incidents, where an officer determines that a Code 10 response is justified and it is approved by a supervisor.
-

(4) LIMITATIONS ON EMERGENCY DRIVING:

- a. Officers will respond to fire calls and non-emergency accidents without the use of red lights and siren.
- b. When making an emergency run, officers will not pass another authorized emergency vehicle (fire equipment or ambulance) which is making an emergency run and traveling in the same direction.

(5) APPROACHING INTERSECTIONS, RED TRAFFIC SIGNALS AND STOP SIGNS:

- a. Reduce speed and be prepared to apply brake.
- b. Be prepared to yield right-of-way to other moving vehicles.
- c. Enter intersection only when it is safe.
- d. Never depend entirely upon the siren to clear the roadway.
- e. Drive defensively.

112.03 PHOTO RADAR AND PHOTO RED LIGHT (PHOTO ENFORCEMENT) PROCEDURES

(1) PROCESSING CITATIONS:

The commander of the Internal Affairs Division (or designee) will receive all photo radar and photo red light notice of violations involving department vehicles. The notice of violation is sent to the commanding officer or civilian director of the affected assignment where the vehicle is assigned.

Sworn personnel and police academy recruits:

- a. The commanding officer or civilian director (or designee) of the affected assignment will determine the identity of the officer operating the vehicle and his/her assignment at the time of the incident.
- b. The involved officer will complete a written statement. The statement and other supporting documentation, such as the Daily Activity Log Sheet (DPD 120) and CAD records, will be compiled and sent to the Conduct Review Division for review.

(2) ASSESSING RESPONSIBILITY:

The Conduct Review Division will determine whether the citation should be excused or not excused (sustained). The citation may be excused if the officer is on an authorized Code 10 response, or the officer can articulate the need for expeditious response.

(3) SUSTAINED VIOLATION PROCESS:

If the Conduct Review Division sustains the violation, the following procedure will be followed:

- a. An Internal Affairs Division case number will be generated.
- b. The officer will be served with a penalty assessment notice that will indicate the due date for payment of the fine or the setting of a court date to contest the violation.
- c. If the officer pays the fine, he/she must provide proof of payment with a payment reference number to the Conduct Review Division.
- d. If set for court, the officer must provide the court date-setting slip to the Conduct Review Division.
Note: No on-duty court appearance is allowed; no overtime is authorized; the officer may not appear in court in uniform for this court appearance and must check his/her weapon.
- e. If an officer contests a violation in court and prevails (fine dismissed), the department's administrative finding of sustained (not excused) may remain in place. At the earliest reasonable time, officers will notify the Conduct Review Division of the court's disposition.

(4) SUSTAINED VIOLATION PENALTIES (WITHIN 12-MONTH PERIOD):

Sustained violations will appear in Internal Affairs Division records with the following outcomes. These outcomes are in addition to paying a fine or contesting a violation in court.

- 1st offense: sustained - no discipline
 - 2nd offense: sustained - no discipline
 - 3rd offense: sustained - oral reprimand
 - 4th offense: sustained - written reprimand
 - 5th offense: sustained - eight (8) fined hours
 - Subsequent or flagrant violations may result in more severe disciplinary recommendations.
-



113.00 DETENTIONS AND ESCAPES

REVISED: 02/16/2018

PAGE: 1 OF 9

113.01 DENVER POLICE DEPARTMENT HOLDING FACILITIES

(1) GENERAL GUIDELINES:

To help ensure the ethical treatment and overall health, welfare and safety of arrested persons, and the safety of police personnel who are processing them, officers will follow these guidelines regarding the use of holding rooms and holding cells:

- a. Officers placing any arrested person in a holding room/cell will follow all directives and warnings posted outside the room/cell.
 - b. In-custody females will not be placed in a holding cell/room occupied by in-custody male(s).
 - c. Juveniles will not be held in holding cells where there are not separate juvenile cells (separation by sight and sound), including Traffic Operations, the Police Administration Building, and district stations (Districts 4, 5 and 6), and will be transported directly to the Juvenile Section.
 1. Juveniles may be detained in temporary holding cells at stations equipped with separate juvenile holding facilities (Districts 1, 2 and 3).
 2. Officers with juvenile(s) will comply with OMS 401.01 and 401.02.
 - d. If possible, arresting officers should limit each holding cell/room to one occupant.
 - e. Once unsupervised, holding cells will be locked when occupied by an arrestee. Unoccupied cells should remain unlocked, preferably with the door open, to allow for safe and efficient entry.
 - f. Before an arrestee is secured in a holding room/cell, the officer present will search the individual and the room/cell for weapons, contraband, and other prohibited items. Any item that might be used to cause harm or injury, or damage to the room/cell, will be removed. When the arrestee is departing the room/cell, the arresting or responsible officer will conduct another inspection, looking for damage, as well as contraband inside the room. If available, a second officer should be present during both processes to monitor the arrestee during the search.
 - g. Arrestees placed in a temporary holding room/cell will not be handcuffed or chained to a stationary object or bench unless they present assaultive behavior, indicate they will damage property within the holding cell, are a threat to anyone's safety, or present an escape risk. When it is necessary to restrain an arrestee in a holding room/cell, it may be accomplished by handcuffing one of the individual's hands to an eyebolt or rail, when the room/cell is so equipped, or by handcuffing the individual's hands behind his/her back.
 1. At the earliest reasonable time, depending on the person's current behavior, officers will afford the individual access to water and an opportunity to use the toilet utilizing all appropriate safety precautions, including having a cover officer if needed.
 - If reasonably possible, a female officer will be present to assist a female arrestee.
 - If a female officer is unavailable, male officers will remove themselves from direct line of sight and will ask the female arrestee to announce when they are done so they can be properly secured in the holding cell/room.
 - h. Officers placing an arrestee into a holding cell will place personal property in the arrestee's property envelope/bag after recording the contents per OMS 106.02 (2). Disposition of property separated from an arrestee will be handled in accordance with OMS 106.02 and noted on the station's holding cell log sheet. The use of a body worn camera to document handling property is encouraged to refute misconduct allegations.
 - i. Entering occupied holding cells:
-

1. Unless it is unavoidable, officers will not enter a holding room/cell alone while armed or in possession of room/cell keys.
 2. If the arrestee is female, it may be preferable to have a female officer present when reasonably possible.
 3. Officers may enter an occupied cell for the following reasons.
 - To assist an arrestee
 - To restrain an arrestee
 - To accompany medical personnel
 - To conduct official police business
 - j. Uncooperative / violent individuals:
 1. Officers are reminded to comply with the use of force policy when dealing with uncooperative individuals, including attempting to use de-escalation techniques, when reasonable based upon the totality of the circumstances.
 2. Arrestees who are considered violent (resistive, assaultive, threatening) or an escape risk will not be placed in a holding room. Such individuals will be held in holding cells.
 3. When processing uncooperative individuals, officers should make every reasonable attempt to avoid actions that may cause an escalation. However, some situations may necessitate a proportional response and/or intervention on the part of an officer or officers. Two or more officers should act together, when appropriate and reasonable, in responding and/or intervening. Such situations may include, but are not necessarily limited to the following:
 - Ensuring that safety procedures are followed for the protection of the individual, any other persons in custody, and police personnel.
 - Preventing or responding to assaults.
 - Preventing destruction of evidence.
 - The special circumstance of ingesting contraband will be handled in accordance with OMS 116.06(3).
 4. When dealing with uncooperative individuals, when time and circumstances permit, all reasonable and appropriate options should be considered, taking the totality of the situation into consideration. Options may include:
 - Leaving the individual secured until sufficient resources are available to safely control the person.
 - Monitoring the individual through video surveillance.
 - Transporting the individual directly to the Detention Center, including, but not limited, to when his/her lack of cooperation involves refusal to submit to basic detention protocols.
 - Filing appropriate additional charges against the individual.
 5. An individual who is violent or apparently suicidal will be restrained with handcuffs and/or flex cuffs and will be held alone in a holding cell (under video or direct observation) pending transport.
 - Suicides and attempt suicides will be handled per OMS 301.14(3). When appropriate, notifications specified in OMS 301.15 will be made.
 - k. Medical Issues – intoxication, drugs, illness, injury
-

1. Individuals who are intoxicated, under the influence of narcotics, ill or injured, will be examined by paramedics if deemed reasonably necessary by the arresting officer(s), the station officer (in a district), or upon request of the individual. If such individuals are held at the district, they will be periodically monitored by video or direct observation for their general welfare. The individual may be transported to the Denver Health Medical Center (DHMC) or the Detention Center as paramedics deem necessary.
2. No pharmaceuticals, drugs, or medication will be administered to any arrested person while they are in a holding room/cell, except by qualified medical personnel. Any requests for information regarding an individual's condition or medical records must be referred to the treating physician at DHMC.
- l. News media, family members, visitors, clergy, and all other unauthorized personnel will not be allowed in occupied holding cells, except with the permission of the district commander or the commander of the unit where the cell is located.
- m. Duties and responsibilities of supervisors:
 1. Supervisors should ensure that arrestees do not remain in handcuffs after being placed into a holding room/cell longer than reasonably necessary to preserve safety and security. Under no circumstances will an arrestee remain in handcuffs for more than two hours unless a supervisor assesses and approves the continued use of handcuffs or other restraints within the room/cell, and the supervisor will provide direction regarding access to the toilet, water, etc.
 2. Supervisors will ensure that transport to a detention center or other appropriate facility by sheriff or police personnel occurs at the earliest reasonable time. Even with extenuating circumstances, transport should occur no later than 8 hours after the individual arrives at the police facility. In instances of such delayed transport, supervisors will notify their commanding officer in writing.
 3. Supervisors going off duty before resolution of an individual held longer than one hour will notify a supervisor of the oncoming shift. The supervisor notified will be responsible for ensuring compliance with this policy.

(2) DISTRICT HOLDING CELLS – ADDITIONAL GUIDELINES:

In addition to all other applicable sections of this policy, the following will apply:

- a. Holding cell keys are not to be left in the cell door while unattended at any time, for any reason. District and division commanders will designate an appropriate safe place for holding cell/room keys to be located when not being utilized.
 - b. Each district station holding cell is recorded by digital surveillance equipment. District commanders will familiarize themselves with the type of recording equipment specific to their assignment.
 - Digital recording equipment does not require routine maintenance by district personnel.
 - System failures (indicated by alarms, blank monitor screens, etc.) to a single holding cell will be reported at the earliest opportunity to Technology Services for repair. District personnel will discontinue use of the affected holding cell until the item is corrected.
 - System failures that affect the entire facility will be immediately reported to Technology Services. An on-duty supervisor or command officer will provide more specific direction to the affected personnel in this situation.
 - c. District holding cell logs (DPD 834) will be maintained in the station officer's (clerk) primary work area.
 - d. Duties and responsibilities of the station officer (clerk):

The station officer will:
-

1. Be responsible for the operation of the holding cells and any individuals held therein. They will also assist other officers as necessary with the care, custody, and security of arrestees.
2. At the beginning of their shift, station officers will:
 - Physically search unoccupied cells for contraband, weapons, and unauthorized items.
 - Physically check occupied holding cells for the welfare and security of arrestees.
3. Monitor arrestees' welfare, and security using personal observation and video surveillance. Station officers will personally visit and check all holding cells a minimum of once every sixty minutes, for the presence, welfare, and security of in-custody individuals, and more frequently when deemed necessary by the officer or if directed by a supervisor. The time of this observation will be logged in the district holding cell log sheet (DPD 834) and entered electronically on the station officer's log sheet.
4. Ensure the transport of arrestees and personal property to a detention center or other appropriate facility by Denver Sheriff or Denver Police personnel at the earliest reasonable time following his/her placement in the holding cell.
 - If sheriff or police personnel do not take custody of an individual within two hours of his/her arrival at a district station, the station officer will ascertain a renewed response time and notify a district supervisor.
 - For each succeeding hour of detention in a holding cell, supervisory notification should occur. In instances of delayed notification, supervisors may require officers to document and forward the circumstances in writing.
 - Station officers going off duty will notify the station officer of the oncoming shift of the status of all in-custody individuals and indicate such on the district holding cell log sheet. The station officer notified will be responsible for ensuring compliance with this policy
5. Ensure there are no unnecessary transport delays due to incomplete paperwork or personal property issues. If unable to personally resolve, station officers will make any necessary notification(s) to ensure the timely transport of arrestees and property.
 - Supervisors will provide direction whenever the Denver Sheriff Department will not transport property, and if unable to resolve, will arrange for police transport.
6. Search holding cells for weapons, contraband, evidence, and personal property immediately following the removal of each individual.
7. Ensure each arrestee is entered in the holding cell log book (initial responsibility is with the arresting officer).
8. Keep a log of individuals confined during the shift. A secure place will be provided for the individual's property. The station officer's arrest/detention log will document:
 - Arrestee name
 - Date and time
 - Property received
 - Date and time of release
 - To whom released

(3) NON-DISTRICT STATION HOLDING CELLS – ADDITIONAL GUIDELINES:

In addition to all other applicable sections of this policy, the following will apply:

- a. The officer placing an individual in a holding room or holding cell is responsible for the person unless relieved by another sworn officer. The responsible officer will remain within sight or proximity of the room/cell, unless video surveillance can be used to monitor the individual.
- b. The responsible officer will personally observe the welfare, presence, and security of the person at least once per hour, or more frequently when deemed reasonably necessary by the officer or if directed by a supervisor.
- c. When video or personal viewing of the holding cell/room is not possible, the responsible officer will remain in reasonable proximity and personally view the welfare, presence, and security of the person at least once every thirty minutes, or more frequently when deemed reasonably necessary by the officer or directed by a supervisor.
- d. If the responsible officer is not able to perform duties described in b. and c. above, he/she will ensure that another officer assumes the responsibilities.
- e. Officers responsible for monitoring in-custody individuals will ensure the transport of such persons, including their personal property, by Denver Sheriff or Denver Police personnel to the detention center or appropriate facility at the earliest reasonable time.
- f. If movement to a detention center or appropriate facility does not occur within two hours, the officer will notify his/her supervisor and provide a renewed time estimate for transport.
- g. For each succeeding hour of detention in a holding cell, supervisory notification by the officer responsible for monitoring the in-custody person should occur. In instances of delayed notification, supervisors may require officers to document the circumstances in writing and forward it to through the chain of command to their commanding officer.
- h. **DUI Holding Cells**
 - 1. Each DUI Room holding cell will be video recorded.
 - 2. Emergency call/panic alarms are located throughout the DUI Room for emergency assistance. To activate an emergency call for assistance, officers need to push one of the large red buttons located in the DUI Room area. This will activate an alarm in the sheriff intake area and automatically notifies Denver 911.
 - 3. Juveniles suspected of DUI will be transported to the Traffic Operations Section where either Traffic Operations Section officers or Traffic Investigations Unit detectives will process them. Juveniles found to be over the legal BAC limit will be released to a parent or guardian or transported to Denver Health Medical Center. Juveniles who appear to be suffering from alcohol poisoning will be transported to DHMC for evaluation.
- i. The holding rooms/cells at the Police Administration Building are temporary detention and interview facilities. They are not intended to be secure.

(4) HOLDING CELL MAINTENANCE:

The operation, inspection, and maintenance of department holding cells are the responsibility of the assigned division/district commanders. Commanders may delegate this duty to personnel within their assignment. Such duties and assignments will be documented.

- a. Holding cells/rooms that at any time present an adverse effect on the health (includes contamination), welfare, safety, security, and care of in-custody individuals:
 - 1. Discontinue use of the room/cell.
 - 2. Notify appropriate personnel to rectify the situation.
 - 3. Items that cannot be resolved in a timely manner should be brought to the attention of an on-duty supervisor. Unresolved issues will be directed through the chain of command until rectified.
 - b. Formal inspection
-

- Holding cells will be formally inspected for security, damage, and/or disrepair weekly.
- Repairs, inspections, and cleaning of holding cells will be made when they are unoccupied. Cells will be inspected after repairs are completed.
- Evidence of rodents, vermin or other unsanitary conditions will be reported to the Operations Support Division for correction.
- Commanders or their designee will ensure that Facilities Management completes a daily sanitation inspection of each cell.

(5) DETAINEE TRANSPORT – POLICE ADMINISTRATION BUILDING:

Except for persons arrested by Information Desk/Sex Registration Unit officers, in-custody persons brought to the Police Administration Building will be taken to the B-1 level. From the B-1 level, individuals can be taken to the identification and investigative areas of the building. These persons will not be taken through the front doors of the Police Administration Building. In addition to all other sections of this policy, the following will apply:

- a. Under normal circumstances, in-custody persons should be transported on the freight elevator. When the freight elevator is not available, officers can use passenger elevators 1 through 4:
 - Due to safety concerns, career service employees and visitors should not use an elevator being operated for transport of in-custody persons.
 - If non-sworn persons begin to enter an elevator being used for in-custody transport, the officer should explain and advise them to use another elevator. Civilian employees should comply with the officer's direction.
 - In most circumstances, officers should not transport in-custody persons on an elevator already occupied by non-sworn personnel.

(6) SECURITY AT DENVER HEALTH MEDICAL CENTER AND OTHER PARTICIPATING HOSPITALS:

Officers arresting injured persons for serious charges, where escape could result in danger to other persons or property, or result in the loss of an important case, will follow these procedures:

- a. The arrestee will be accompanied to the hospital by at least one of the arresting officers.
- b. The officer will remain with the arrestee until treatment is complete or until a transfer of custody to a Denver Sheriff Department deputy.
- c. Upon the arrival of paramedics at the scene, they will make the determination whether the individual has immediate need for services of an operating room facility. If Denver Health Medical Center is on an operating room divert status, the paramedics will advise the police of the situation and will transport such patients via Denver Health Medical Center ambulance to the nearest participating hospital. The officer will advise the police dispatcher of the diversion and will request a sergeant to respond. A sergeant will respond to the participating hospital and decide whether security of the individual is necessary. If continued security is deemed necessary, the sergeant will direct the police dispatcher to contact a supervisor at the Detention Center to arrange for a Denver Sheriff Department deputy to respond and relieve the Denver police officer.
- d. If the arrestee is left in the custody of the Denver Sheriff Department deputy (or at a hospital without guard) a hold order will be placed using a Sick and Injured Report (DPD 150) and US&C (DPD 777) (direct file), or an Arrest Booking Slip (DPD 786) (investigative hold) and taken to the Detention Center intake deputy.

(7) ARRESTEE RIGHTS:

Officers will comply with the following

- a. Treatment While In-Custody
 1. No unlawful means will be used to obtain information, a statement or confession from any person in custody.

2. Arrestees or in custody persons will be treated humanely and provided medical treatment, if required.
- b. Right to Communicate with Attorney and Family
 1. Officers are not required to proactively offer such communication, but individuals who are arrested have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or by communicating in any other reasonable manner. Upon the individual's request, such communication will be permitted at the earliest possible time after arrival at a police facility; however, if the facility lacks a designated and secure area for such communication the individual will immediately be taken to the Detention Center for processing and communication.
 2. Each time an individual is taken to a new police facility, his/her right to communicate with an attorney and a member of his/her family is renewed.
- c. Right to Consult with Attorney
 1. Upon request, individuals taken into custody, whether or not held or charged with a crime, will be allowed to consult with an attorney licensed in Colorado, alone and in private, as many times and for such periods that are reasonable. Persons detained for detoxification or a mental health hold will not be taken to a police facility.
 - If the person is not being held or charged with a crime and the police facility lacks a designated and secure area for such private communication, he/she will immediately be taken to another police or other appropriate facility which has a secure area to permit such communications. Individuals not held or charged with a crime will not be taken to the Detention Center.
 - If the individual has been held or charged with a crime, and the police facility lacks a designated and secure area for such private communication, he/she will immediately be taken to the Detention Center for processing and communication.
 2. Each time an individual is taken to a new police facility, his/her right to communicate with an attorney is renewed.
- d. Duty of Officers to Admit Attorney
 1. Upon demand of an in-custody person, his/her family, friend, spouse, or attorney, officers will admit any attorney licensed in Colorado (with the consent of the in-custody person) to see and consult with the person alone and in private, as many times and for such periods that are reasonable,
 - If the person is not being charged with a crime and the police facility lacks a designated and secure area for such private communication, he/she will immediately be taken to another police facility or other appropriate facility which has a secure area to permit such communications. Individuals not charged with a crime will not be taken to the Detention Center.
 - If the individual has been charged with a crime and the police facility lacks a designated and secure area for such private communication, he/she will immediately be taken to the Detention Center for processing and communication.

113.02 DENVER SHERIFF DEPARTMENT DETENTION FACILITIES

(1) VAN CISE-SIMONET DETENTION CENTER:

a. Visitation:

The Van Cise-Simonet Detention Center visiting hours are 7-8 a.m., 12-2 p.m., and 6-8 p.m. Visitation schedules can vary by inmate. For guidelines and days of the week for visitation, the public may contact the Denver Sheriff Department at 720-337-0400.

- b. Acceptance of Arrestees:
Detention center personnel will not accept any arrestee who is semiconscious or unconscious and/or who must be carried into the detention center due to incapacitation. Officers will send these individuals directly to Denver Health Medical Center for medical diagnosis.
- c. Bonding Procedures:
All persons inquiring about appearance bonds will be referred to the clerk of the central bonding office, which is located at the detention center. Court personnel staff the central bonding office each day, from 7:00 a.m. to 10:00 p.m. Members of the Denver Sheriff Department assigned to the detention center will answer inquiries and write bonds during hours the bonding office is closed.
- e. Inmates from County Jail:
Investigating officers wanting an inmate returned from the Denver County Jail to the detention center for any reason will call the Denver Sheriff Department Records and Release Unit at 720-337-0161 / 0162, who will determine the feasibility of the request. Investigating officers will not directly call the Denver County Jail for this reason.

113.03 ESCAPES OR ATTEMPTS TO ESCAPE

(1) ESCAPES FROM TRANSPORTING OFFICERS:

When an arrestee escapes from a transporting officer, the officer will immediately notify Denver 911 and request whatever assistance is needed to recapture the subject.

- a. If the escape occurs in another jurisdiction, Denver 911 will notify the involved agency.
- b. If the arrestee is not recaptured, the officer is responsible for initiating any necessary reports.
 - 1. If the escaped arrestee was arrested for a municipal ordinance violation, the officer will complete a US&C warrant, charging the arrestee with any other appropriate ordinance violations. See OMS 104.07.
 - 2. If the arrestee was being held on a felony or state misdemeanor charge, a General Occurrence (GO) report will be completed detailing the circumstances surrounding the escape. No want will be placed by the reporting officer.

(2) ESCAPES OR ATTEMPTS TO ESCAPE FROM THE DISTRICT STATION HOLDING CELLS:

In the event an arrestee escapes from a holding cell, the following steps will be taken:

- a. Attempt to recapture
- b. Notify the Denver 911 of pertinent information
- c. Notify the arresting officer
- d. If the arrestee is recaptured, notify Denver 911
- e. The arresting officer (or officer responsible for monitoring the arrestee) will complete a report of the circumstances of the escape and will ensure his/her immediate supervisor is notified. If the arresting officer (or officer responsible for monitoring the arrestee) is not available, another officer will be assigned to complete a report and ensure supervisory notification. The supervisor will ensure his/her commanding officer is notified at the earliest reasonable opportunity.

(3) ESCAPES OR ATTEMPTS TO ESCAPE FROM THE POLICE ADMINISTRATION BUILDING:

If an arrestee escapes from a holding room or cell, the following steps will be taken in an attempt to recapture:

- a. Notify Denver 911 of all pertinent information, including if/when the arrestee is located.
- b. Notify the Information Desk Unit of the escape.
- c. Notify the Operations Support Division to close all access doors to B-1.

- When possible, close the doors to B-1 on both the Cherokee and Delaware sides of the building and shut off electricity to each of the doors. They can be closed by using the switch box adjacent to each door and the power can be shut off with the power switch.
- d. Available officers (not limited to investigative personnel) will respond to the first floor and B-1 to screen pedestrian and vehicle traffic leaving the building.
- e. Institute a search of the entire building. Notify supervisors and personnel on each floor of the escape and physical description of the suspect. The search should include stairways, unoccupied offices and both parking levels.
- f. The arresting officer (or officer responsible for monitoring the arrestee) will complete a report of the circumstances of the escape and will ensure his/her immediate supervisor is notified. If the arresting officer (or officer responsible for monitoring the arrestee) is not available, another officer will be assigned to complete a report and ensure supervisory notification. The supervisor will ensure his/her commanding officer is notified at the earliest reasonable opportunity.

(4) ESCAPES BY ARRESTEES IN HOSPITALS:

- a. The charge of "escape" will be placed against arrestees only when it can be established by direct evidence that a reasonable effort was made to detain the individual.
- b. The charge of "escape" will be placed against arrestees only in violent or unusual circumstances, or where serious charges were filed originally against such individuals.
- c. Arrestees charged with ordinance violations who walk away from Denver Health Medical Center or other hospitals and it appears that no effort was made to detain them will be listed as "wanted" on the original charges. The charge of "escape" will not be added.
- d. In cases where "escape" is added to the original charges, persons who can give direct testimony will be listed as witnesses and summoned to court when the escapee is apprehended.

(5) ESCAPES OR ATTEMPTS TO ESCAPE FROM THE COUNTY JAIL OR DETENTION CENTER:

When an arrestee escapes or attempts to escape from either the Detention Center or the County Jail, a General Occurrence (GO) report will be made by district officers. A General Occurrence (GO) report will not be made on community corrections clients who fail to return or walk away from a work release program.

- a. The section responsible for filing additional charges, entering information into NCIC/CCIC and handling any other paperwork required will be the section which prepared the original case filing.
 - 1. The reporting officer will provide the General Occurrence (GO) case number to the detention facility personnel for their records.
 - b. Arrestees from other agencies housed in the Denver County Jail who escape or attempt to escape will be investigated by a detective assigned to the district responsible for that particular geographic area (currently District Five). Federal arrestees will normally be handled by federal authorities.
-



114.00 EMPLOYMENT OUTSIDE THE POLICE DEPARTMENT

REVISED: 05/31/2018

PAGE: 1 OF 10

114.01 SECONDARY EMPLOYMENT

- (1) **SECONDARY EMPLOYMENT**, as used in this section, is defined as any work, including self-employment, performed by any officer apart from official assigned duties and required duty times. Secondary employment is not permitted under certain circumstances as identified in this policy. Secondary employment police work can be denied or limited in hours at any time by the Chief of Police or an officer's commander. Violations of this section may result in a suspension of the off-duty work privilege in addition to formal disciplinary action.
 - a. The Chief of Police has complete charge of all off-duty assignments and/or secondary employment police work. The Chief of Police may delegate this authority as necessary.
 - b. Officers employed to perform secondary employment police work will be bound by their police authority for the enforcement of the ordinances and laws of the city, state, and federal government. Officers may act to prevent a breach of the peace or to enforce the law, however, officers are not to enforce rules made strictly in the interest of the secondary employer.
 - c. Officers engaged in secondary employment will be subject to all rules, regulations, and procedures of the Denver Police Department.
 - d. No officer will engage in any secondary employment activity, the result of which could be detrimental to the best interest of, or in conflict with, the mission, values, goals, objectives, and/or procedures of the Denver Police Department.
 - (2) **DEFINITIONS:**

Police Work: Secondary employment requiring the use of police authority.

Non-Police Work: Secondary employment not involving the use of police authority.

Supervisor: An officer holding the rank of sergeant or above.
 - (3) **RESTRICTIONS:**
 - a. Only officers who have successfully completed field training may work secondary employment police work and/or department paid off-duty jobs.
 - b. Only officers who have successfully completed probation may work secondary employment police work at establishments where the sale of liquor is the primary source of business (i.e., bars and nightclubs).
 - c. All officers are reminded that their primary responsibility is to the duties of their Denver Police Department assignment. Secondary employment must not interfere with their on-duty responsibilities.
 - d. Supervisors and command officers are prohibited from working any secondary employment that is scheduled by a subordinate officer in their chain of command.
 - e. No police officer will be permitted to perform secondary employment police work at a location, establishment, or venue where marijuana is sold, or the primary purpose of the location, establishment or venue is the consumption, production, testing, or transportation of marijuana or marijuana infused products. This restriction prohibits officers from providing security at any such location and from providing security for the transportation of financial proceeds from any marijuana related business.
 - f. Officers must complete the liquor license establishment training prior to being permitted to work in any liquor license establishment or at any location where alcohol is being served for on-site
-

consumption. This training needs to be completed once every three years or as directed by the Chief of Police.

1. Officers will complete the training by watching a video regarding secondary employment in liquor licensed establishments. This video can be found on DPDWeb.
 2. After viewing the training video, the officer will print the "sign off form" and thoroughly review it before signing their name. After the officer has reviewed and signed the form, the form must be given to a supervisor or command officer to be signed off. A copy of the signed form will be placed in the officer's station file. The original will be sent to the Secondary Employment Coordinator. The Secondary Employment Coordinator will send a copy of this form to Safety HR to have the officer's TeleStaff profile updated to reflect completion of this training.
 - g. Officers off duty due to personal or line of duty illness/injury, extended military leave, leave of absence, suspension, and/or on a limited-duty status, will not be permitted to perform secondary employment police work. However, such officers may seek written permission from the Chief of Police to perform secondary employment non-police work. The Chief of Police will grant or deny such requests on a case-by-case basis under the same factors that are applicable to active duty officers seeking permission to work secondary employment non-police work.
 - h. Officers on FMLA for non-personal illness/injuries must request permission from the Chief of Police to work Secondary Employment. Upon receiving written permission from the Chief of Police, a copy of the letter will be forwarded to Safety HR and to the Secondary Employment Coordinator.
 - i. No secondary employment will be performed that is contrary to any section of Article IV (titled Code of Ethics) of the Denver Revised Municipal Code.
 1. No officer will be permitted to work as private security, a private investigator or for a private investigation firm without prior written approval from the Chief of Police.
 2. Before an officer may work as a bodyguard or as non-police private security, a letter will be sent to the Chief of Police through the officer's chain of command requesting approval for this kind of employment. A copy of the approved letter will be sent to the Secondary Employment Coordinator.
 - j. The total of on-duty hours and off-duty police work secondary employment hours, including department authorized overtime assignments, must not exceed 64 hours in the calendar week, Sunday through Saturday. Exemptions to the maximum weekly hour limits may be made by the Chief of Police. Court time and continuous duty related overtime will not be included in this total; however, all other department paid overtime assignments, including backfill and grants, will be included.
 1. Officers who work less than 40 hours in a calendar week through the use of vacation, saved vacation, saved holiday, accumulated sick leave, or compensatory time may increase the number of secondary employment hours worked, up to the 64-hour limit, subject to the provisions of this entire section.
 2. Officers will not be allowed to work more than 16 hours in a 24-hour period. This calculation commences at the start of the first shift worked, regardless if the first shift is the off-duty job or the officer's regular duty assignment.
 3. Officers will not split shifts and/or flex their shifts to accommodate a secondary employment schedule.
 - k. Officers will not perform secondary employment at any establishment, or in connection with any industry, during a period of strike affecting any of the workers connected with such industry without prior approval of the Chief of Police.
 - l. Officers are not permitted to work secondary employment police work that utilizes a non-police
-

- scheduler or broker.
- m. Officers must be compensated directly by the employer and not by any intermediary or agent.
 - 1. No officer of any rank may handle or distribute any cash payments to officers.
 - 2. The employer must arrange for any cash distribution to officers.
 - 3. Checks written by the employer may be distributed by the officer coordinating the off-duty employment. If coordinated by the Secondary Employment Coordinator, the employer must make arrangements to distribute checks directly to the officer(s).
 - n. Officers are prohibited from working off-duty in any establishment which constitutes a threat to the status or dignity of the police as a professional occupation. This includes establishments which furnish "adult" entertainment (nudity of any kind); those which sell pornographic books, magazines, sexual devices, or videos or that otherwise provide entertainment or services of a sexual nature; or any gambling establishment not exempted by law.
 - o. Officers will not perform secondary employment at any establishment after a public nuisance case has been filed with the Denver City Attorney's Office and/or the Denver District Attorney's Office. In addition, officers will not perform secondary employment at any establishment **whose primary business is the sale of alcohol for on-site consumption, social clubs, or mixed venues (combination of alcohol and non-alcohol events), where a public nuisance case has been opened by the Nuisance Abatement Unit.**
 - 1. The Secondary Employment Coordinator will be notified by the Public Nuisance Abatement Unit of any establishments which are subject to such an investigation.
 - 2. Individual officers who have current requests for secondary employment for establishments which fall under the nuisance abatement restrictions will be notified by the Secondary Employment Coordinator of those restrictions when they become effective.
 - 3. A current list of locations subject to such restrictions will be published on DPDWeb.
 - 4. Restrictions on secondary employment will commence immediately upon notification by the Public Nuisance Abatement Unit.
 - 5. This does not preclude the Chief of Police from canceling secondary employment police work at any establishment, at any time. The Chief of Police may also withdraw his/her permission for an officer to work secondary employment non-police work at any establishment, at any time, for reasons consistent with this policy.
 - 6. The Secondary Employment Coordinator will make reasonable efforts to contact the scheduler and any officers who may be scheduled to work at these locations and advise them of the restriction.
 - 7. The Secondary Employment Coordinator and the Public Nuisance Abatement Unit will review nuisance locations quarterly to determine if the location is to remain on the list.
 - p. The use of police equipment in the performance of secondary employment police work (beyond official reports, communication devices, or uniform and equipment items that are issued or authorized for on-duty wear), must be approved by the Chief of Police (or designee). This approval will be granted only when the use of this equipment can be justified for the safety of the public and/or officers, or when such use is determined to be in the best interest of the department.
 - q. Officers assigned to the Secondary Employment Coordinator will not accept secondary employment received through their office without prior approval from the commanding officer of the Conduct Review Division.
 - r. Whenever a commander places restriction upon an officer regarding secondary employment issues, that commander will ensure that the Internal Affairs Division and the supervisor of the Secondary Employment Coordinator is notified of the specific restriction and its intended duration.
-

If the privilege is restricted for an indefinite time period, the commander will be required to notify the Internal Affairs Division and the supervisor of the Secondary Employment Coordinator again, when that restriction is lifted.

The notification requirement includes any restrictions placed on an officer working department paid overtime (or other work) that requires secondary employment approval.

1. Upon transfer of the involved officer, notification of any change in status of work privileges must be routed through the Internal Affairs Division, the supervisor of the Secondary Employment Coordinator, and the officer's new assignment.
- s. Failure to obtain secondary employment approval in TeleStaff by a supervisor in the officer's chain of command, prior to the officer working the job may result in suspension of secondary employment privileges as follows:
 1. 1st offense in a 12-month period: 60 days
 2. 2nd offense in a 12-month period: 120 days
 3. 3rd offense in a 12-month period: 360 days
 4. Subsequent violations will be dealt with by more severe sanctions.

(4) REQUIREMENTS:

- a. Officers authorized to perform secondary employment police work will be responsible for properly advising their secondary employer of the department policy regarding secondary employment police work as stated on the Secondary Employment Contract (DPD 149E).
 - b. Officers performing secondary employment police work who become involved in a police action will be equipped with, and complete the routine paperwork involved with the action. Off-duty officers will attempt to have prisoners transported via scout van prior to calling on-duty officers to assist. The intent of this section is to reduce unnecessary demands on on-duty personnel. However, this does not relieve on-duty officers from providing backup support, aid or transportation required by officers performing secondary employment police work.
 - c. District supervisors will ensure that on-duty resources are not utilized unnecessarily and will monitor compliance of off-duty officers.
 - d. Officers using department radios will monitor the district channel in which the job is located and will notify the dispatcher of their location and anticipated length of the job.
 - e. Events staffed with more than seven officers require the off-duty supervisor to fax a detail to Denver 911.
 - f. Any provision for secondary employment does not relieve any officer from the responsibility to be available and/or to respond to a call for active duty by the department at any hour.
 - g. Officers wishing to perform secondary employment police work in plainclothes may not do so without prior approval from the Deputy Chief of Operations through the chain of command.
 1. Officers who work in plainclothes must have completed Denver Police Department training in plainclothes and undercover operations. The training verification will be attached to the request.
 2. The scheduling officer is responsible for ensuring that any officer who will work the job has received prior approval to work in plainclothes.
 3. The scheduling officer may request group approval on behalf of a number of officers; however, the training verification for each officer will be attached to the group request.
 4. A copy of the approved letter will be forwarded to the Secondary Employment Coordinator.
 - h. Officers working in a construction area are required to wear the department authorized helmet.
 - i. Officers working traffic direction or control are required to wear the basic eight-point style uniform
-

cap and department authorized reflective vest apparel.

- j. Officers are prohibited from working any secondary employment (off-duty) job with a Denver Sheriff's Department deputy. Officers may continue to work secondary employment jobs at events where deputies operate the scout van. The Chief of Police must approve any exception to this policy.
- k. Officers must allow a minimum of 15 minutes between the end of his/her regular on-duty shift and the start of his/her secondary employment shift. Exceptions may be made if the regular on-duty shift and the secondary employment shift originate at his/her regular duty assignment.

(5) CIVIL LIABILITY WHILE PERFORMING SECONDARY EMPLOYMENT POLICE WORK:

- a. The city will not accept liability when officers are acting outside the limits of their police authority or duty, such as enforcing rules made in the interest of management and/or their secondary employer.
- b. Officers are not allowed to perform secondary employment police work outside the City and County of Denver without written permission from the Chief of Police. A copy of the approved letter will be sent to the Secondary Employment Coordinator.

(6) SCHEDULING OF OFFICERS:

- a. The Chief of Police (or designee) reserves the right to specify the number of off-duty officers required at any event or place of business at any time.
 - b. The Chief of Police will review all security arrangements for major events which utilize the police services of off-duty officers.
 - c. For major events, the district commander, the supervisor of the Secondary Employment Coordinator and the scheduling officer may have input in determining the number of off-duty officers required.
 - d. When scheduling officers for any event or place of business, the safety of officers and citizens attending the event are of primary concern. Consideration is given to, but is not limited to the following:
 - The location, day of the week and specific time of day
 - The anticipated crowd size and age-range of the attendees
 - The availability of alcohol at the event
 - Other events simultaneously occurring in the vicinity
 - e. The Chief of Police or district commander may assign an on-duty command officer to supervise and direct operations at any event where off-duty police officers are employed.
 - f. At those events where the Chief of Police has NOT designated an on-duty command officer, officers performing secondary employment police work will, regardless of their rank, be subject to supervision by supervisors and commanders in the district in which the work occurs. If the secondary employment police work is traffic control, the officer will also be subject to the supervision of Special Operations Division supervisors and command officers.
 - g. The minimum ratio of off-duty officers to off-duty supervisors participating in secondary employment police work at a specific location during the same period of time is:
 - 1. One to six officers: No supervisory requirement.
 - 2. Seven to 13 officers: One supervisor.
 - 3. Fourteen to 20 officers: Two supervisors. Senior supervisor is in charge.
 - 4. Twenty-one to 27 officers: Three supervisors. Senior supervisor is in charge.
 - 5. Twenty-eight to 34 officers: Four supervisors. Senior supervisor is in charge.
 - 6. Thirty-five to 41 officers: Five supervisors and one command officer.
-

7. Forty-two to 48 officers: Six supervisors and one command officer.
8. Forty-nine to 55 officers: Seven supervisors and two command officers.
- h. Scheduling officers
 1. Officers supervising and/or scheduling off-duty officers for secondary employment police work may be paid a higher hourly wage than the off-duty officers by the secondary employer or may be paid a flat-rate for scheduling other officers. Any compensation for scheduling must be paid by the employer and not deducted from the earnings of other officers working the job.
 2. Officers who are responsible for scheduling other off-duty officers for secondary employment police work will not discriminate in the hiring of officers.
 3. Denver police officers will not schedule Denver Sheriff's Department deputies for off-duty work.
 4. Scheduling officers, supervisors and command officers will ensure that all off-duty officers under their direction are in compliance with all restrictions and requirements to perform Secondary Employment.

(7) INJURIES WHILE ENGAGED IN SECONDARY EMPLOYMENT:

Officers incurring any injury which is not the result of an official police action while engaged in secondary employment will be responsible for reporting the injury directly to the State Division of Labor or the insurer of the employer. This report will not be forwarded through the police department. All such injuries will be considered by the department as an injury not in the line of duty and the officers' absence will be deducted from their sick leave banks. Upon use of all accumulated sick leave, compensatory time and saved time, additional absence from duty will not be compensated by salary.

If the injury is the result of an official police action, the officer will comply with procedures outlined in OMS 505.10.

(8) OFF-DUTY EMPLOYMENT AT APARTMENT COMPLEXES:

- a. Any officer providing police service in exchange for subsidized rent, at any type of housing complex, will be considered to be engaging in secondary employment police work and will comply with all of the requirements set forth in this entire section.
 - b. Officers may not provide any on-duty services to these employers as part of their secondary employment agreement.
 - c. Officers, who perform security work in exchange for subsidized rent during predetermined and fixed hours, will enter each scheduled shift in TeleStaff on the non-department paid off-duty roster. Officers will make an entry for each scheduled shift.
 1. If the officer is on-call for the housing complex on the same date as his/her scheduled shift, he/she will enter the on-call times in the note field.
 2. In the event an officer is called out, they will make an entry within 24-hours of the call out on the TeleStaff non-department paid off-duty roster for the affected date and times. A brief explanation of the call out will be entered in the note field. This entry can also be done via TeleStaff web access.
 - d. Officers who, as a condition of this type of secondary employment, are subject to being called by management to respond to incidents within the complex, must make an entry in the TeleStaff non-department paid off-duty roster for the listed job location on the first of each month, and will use the same start and end times of 00:00 to 00:00 when doing so. When this entry is approved, the officer is authorized to respond as needed and no other TeleStaff entries are necessary until the following month. This entry must include information in the notes field that the officer is on-call for the month.
-

- e. If an officer is called out, he/she will make an entry within 24-hours of the call-out on the TeleStaff non-department paid off-duty roster for the affected date and times. A brief explanation of the call out will be entered in the notes field. This entry can also be done via TeleStaff web access.
- f. The Secondary Employment Coordinator will perform periodic audits to ensure that the total time spent responding to requests for police service, in combination with any other secondary employment performed by the officer does not exceed the maximum hours permitted for Secondary Employment.
- g. In the event an officer exceeds the limit of off-duty hours allowed for that week as a result of time spent on call-out actions related to their employment at a housing complex, the officer will explain the circumstances in a DPD 200 through the chain of command to his/her commander.

114.02 SECONDARY EMPLOYMENT: NON-POLICE WORK

(1) APPLICATION FOR NON-POLICE SECONDARY EMPLOYMENT (DPD 149A):

Any officer desiring secondary employment non-police work, including self-employment, will submit an Application for Non-Police secondary employment (DPD 149A), through the chain of command.

- a. The supervisor or command officer reviewing the letter will ensure that the officer is in compliance with all secondary employment restrictions and requirements.
- b. Approved or disapproved requests will be forwarded to the Secondary Employment Coordinator for distribution and filing.
 - 1. The original letter will be retained by the Secondary Employment Coordinator.
 - 2. A copy of the letter will be returned to the officer.
- c. In the case of recurring secondary employment non-police work, this request must be renewed annually for the upcoming year during the first 15 days of December, unless the conditions of employment change, in which case a new request must be submitted.

(2) CONDUCTING COMMERCIAL BUSINESS OR PRIVATE ENTERPRISE DURING WORK HOURS:

Officers will not, at any time, carry out any function of commercial business or private enterprise on any police department property and/or during their working hours. These restrictions will apply, but not be limited to, any verbal promotion, or any advertisement, business card, poster or other printed publication.

- a. Officers will not use any police department equipment, vehicles, phone numbers or addresses for the purpose of carrying out the functions of a commercial business or private enterprise and/or for the buying or selling of any products or services related to that business or enterprise. See OMS RR-808
- b. Officers will not use their official titles in connection with any commercial business or private enterprise without the express permission of the Chief of Police. See OMS RR-206.
- c. Exception to these restrictions is the posting of notice on police department bulletin boards, providing that these notices do not contain police department phone numbers or addresses.

114.03 SECONDARY EMPLOYMENT: POLICE WORK

(1) SECONDARY EMPLOYMENT CONTRACT (DPD 149E):

- a. Any employer requesting off-duty Denver police officers must complete a Secondary Employment Contract. The submitting officer will provide the employer a copy of the contract and forward the original to the Secondary Employment Coordinator.
 - 1. Contracts for paid uniformed secondary employment include a fee to address the cost of body worn camera utilization.
-

2. Contracts for volunteer uniformed secondary employment do not include a fee for body worn camera utilization. Officers will write "Volunteer Secondary Employment" on the face of the form prior to submission to the Secondary Employment Coordinator.
- b. The Secondary Employment Contract must be renewed by December 15th of each year for the upcoming year, and whenever the original signer changes. December 16th through December 31st will be deemed a grace period, however, if the contract has not been received by the Secondary Employment Coordinator by the end of the grace period, officers will not be permitted to work the off-duty job.
- c. Officers who work a job where no contract has been filed with the Secondary Employment Coordinator are subject to suspension of their secondary employment privileges.

(2) SUPERVISORS RESPONSIBILITY:

Supervisors will monitor their officers' secondary employment on a weekly basis to ensure compliance with secondary employment policy and procedures, specifically to ensure they are not exceeding the maximum daily and weekly hours allowed.

(3) APPROVING SECONDARY EMPLOYMENT REQUEST THROUGH TELESTAFF:

- a. All non-department paid off-duty jobs and department paid off-duty jobs are processed in TeleStaff and appear on the roster. Standard procedure requires officers to place themselves on the off-duty job on the TeleStaff roster. There may be circumstances where a supervisor places the officer on the job. (See the TeleStaff procedure manual for further instruction)
- b. All secondary employment work requires approval. Supervisors provide the required approval for secondary employment. When an officer adds his/her name to an off-duty job on the roster, a work code is placed on their TeleStaff calendar. This work code contains the job name and the hours of the job to be worked. The supervisor will approve the officer's off-duty job through TeleStaff. **All off-duty jobs must be approved by a supervisor in the officer's chain of command before the job is worked.** (See the TeleStaff procedure manual for further instruction)

(4) CANCELLING SECONDARY EMPLOYMENT JOBS:

- a. Officers are limited to a specific number of hours for off-duty work each week. It is important to cancel off-duty jobs in TeleStaff so the officer's calendar accurately reflects the total number of off-duty hours worked.
- b. If an officer needs to cancel an off-duty job, the officer must contact a supervisor. The supervisor will remove the officer from the off-duty job in TeleStaff by editing the work code to **forfeit**. No further action is required.

(5) EMERGENCY REQUESTS:

An emergency request is a same day request to work an off-duty job, where the requesting officer may not have access to their chain of command for approval.

- a. **Officer's Responsibility:**
The requesting officer will contact an on-duty supervisor from the district where the off-duty job is located, to request that they approve the TeleStaff entry. If the officer did not have computer access to make an entry in TeleStaff, he/she will request that the supervisor enter the job in TeleStaff and also approve the entry.
- b. **Supervisor's Responsibility:**
The supervisor will exercise due care in approving such requests to ensure that the requesting officer is eligible to work the requested assignment. After entering and/or approving the TeleStaff entry, the supervisor will notify the officer's chain of command of the request and approval, via email.
- c. Emergency Request for secondary employment job not in TeleStaff:

If this job has not yet been entered in TeleStaff, the officer will have the employer complete the secondary employment contract, the officer will then forward the contract to the Secondary Employment Coordinator along with information about who worked the new job and on what date. The officer will contact a supervisor before working the job and the supervisor will add the officer to TeleStaff under a job titled "To be configured" on the non-department paid off-duty roster in TeleStaff.

(6) EDITING HOURS WORKED:

If the actual hours worked for an off-duty job differ from the scheduled hours, the actual hours need to be adjusted in TeleStaff. Officers will need to contact their supervisors within 48-hours to edit the time in TeleStaff. (See the TeleStaff procedure manual for further instruction)

(7) USE OF COMPENSATORY TIME TO WORK SECONDARY EMPLOYMENT:

Use of compensatory time will not be granted to any individual officer on a regularly scheduled basis for any purpose, including working secondary employment.

- a. When the operational needs of the department are not jeopardized, and when staffing permits, officers may seek prior written approval from their commander to use comp time to work secondary employment. In such situations, commanders must document the nature of the circumstance on a DPD 200 and forward their justification to their deputy chief for review. The commander will then forward the approved request to the Secondary Employment Coordinator for filing.
- b. When deciding to grant the use of compensatory time, commanders must adhere to the policy that the officers' on-duty responsibilities have been met. Commanders must continually review the records of officers under their command to ensure that during periods in which compensatory time has been granted, overtime was not routinely necessary to complete non-emergency duties.
- c. The use of compensatory time must be approved by a supervisor, and no detail will go below minimum staffing levels to accommodate an officer working a department administered overtime assignment.
- d. If an officer is authorized to be excused from his normal shift by the use of compensatory time, under no circumstances will premium pay be authorized to backfill the hours the original officer was excused.
- e. Compensatory time used for this purpose cannot be accumulated in the same day as used. The compensatory time must be from the individual officer's compensatory bank.

114.04 DEPARTMENT ADMINISTERED OVERTIME ASSIGNMENTS

(1) GRANTS:

A grant is awarded to the department and typically used as paid overtime to address specific situations (e.g. DUI LEAF grant is overtime money dedicated to DUI enforcement). A grant is another type of secondary employment. Pay for grant assignments appear on an officer's paycheck.

All grants are processed in TeleStaff and appear on the roster. There is a roster view titled "Grants" that displays the active grants.

Officers place themselves on the job roster. Grants, like off-duty jobs, require approval by the officer's supervisor. The second approval occurs when a command officer reviews off-duty/grant hours worked by his/her personnel. Command officers have the option of adding their badge number to off-duty and grant work codes.

The Grant Coordinator is responsible for recording actual hours worked on the officer's calendar.

(2) NON-GRANT DEPARTMENT PAID SECONDARY EMPLOYMENT:

This secondary employment encompasses department paid off-duty jobs (paid by the city) that are not a grant. The officer's payment is included in the department paycheck. All off-duty jobs are processed in

TeleStaff and appear on the roster. Standard procedure requires that officers place themselves on the off-duty job on the department paid off-duty roster. There may be circumstances where a supervisor places the officer on the job, i.e. an emergency request. If you don't find the job in this roster view, check the "Grants" roster.

As with all secondary employment, this job must be approved by a supervisor before the officer works the job.

If the actual hours worked for a department paid off-duty job differ from the scheduled hours, the actual hours are to be adjusted in TeleStaff. Officers may be asked to submit the "Officers Overtime Authorization" slip to the on-site supervisor or job supervisor. The supervisor will enter the actual hours worked in TeleStaff.

(3) ADMINISTRATION OF DEPARTMENT PAID OVERTIME ASSIGNMENTS:

All department paid overtime assignments will be administered under the direction of the commander whose division has primary responsibility for the assignment.

(4) PRIORITIZATION OF ELIGIBLE OFFICERS:

Prioritization of eligible officers will be made according to assignment, expertise or training required, as determined by the affected commanders (or their designees). Appropriate measures will be taken to ensure consistency of work rules if more than one bureau, district, division, or section is involved in carrying out the assignment.

(5) UNSUITABLE PERFORMANCE BY OFFICERS:

Incidents of unsuitable performance by officers working paid overtime assignments (absence, tardiness, improper equipment, etc.) will be documented and may result in an officer being excluded from future overtime assignments administered by the department.

(6) USING ACCUMULATED COMPENSATORY TIME:

Officers may use accumulated compensatory time to be excused early from their normal work shifts to work department administered overtime assignments. Officers must follow the guidelines found in OMS 114.03(7).

(7) SPLITTING OF SHIFTS PROHIBITED:

No splitting of shifts will be allowed to accommodate a department administered overtime assignment.

115.00 - RESERVED

116.00 - MISCELLANEOUS PROCEDURES

- 116.01 Deleted
- 116.02 Deleted
- 116.03 Deleted
- 116.04 Deleted

116.05 BLOODBORNE PATHOGENS AND OTHER BODILY FLUIDS

(1) UNIVERSAL PRECAUTIONS:

Officers are directed to protect themselves from bloodborne pathogens and other bodily fluids using universal precautions, whenever possible, to minimize the risks associated with exposure.

- Universal Precautions: General infection control precautions are meant to reduce the risk of transmission of blood-borne pathogens and other bodily fluids from non-intact skin, mucous membranes, or by other means from both recognized and unrecognized sources. General precautions include minimizing exposure to blood and/or other bodily fluids by using personal protective equipment (e.g., latex gloves) when appropriate and continually recognizing and assessing their personal risk.
 - a. High-Risk Exposures - Examples:
 - Puncture or laceration by a used needle or by a sharp object that is contaminated with blood.
 - Blood in contact with mucous membrane (eyes, mouth, or nose) or broken skin.
 - b. High-Risk Exposure - Treatment:
 - 1. If you are stuck by a needle (or other sharp) or get blood (or any other potentially infectious material) in your eyes, nose, mouth, or on broken skin, immediately flood the exposed area with water and clean any wound with soap and water or a skin disinfectant (if available). www.OSHA.gov/SLTC/bloodbornepathogens
 - 2. Notify a supervisor and contact the OUCH Line as soon as possible as many of the potential treatments require immediate administration. See OMS 505.10.

116.06 Responsibility to Provide Medical Attention

- (1) Officers are responsible for requesting emergency medical services as required by policy and/or in any circumstance where the officer has come into contact with an injured individual and any delay in treatment could potentially aggravate the severity of the injury. While awaiting emergency medical services, officers should provide first aid (when appropriate) to their level of training without any unreasonable delay, taking the following into consideration:
 - a. The first priority of all officers is scene safety. Mitigating any potential threats prior to providing first aid will remain the most important task, because once treatment begins, officers may quickly lose any tactical advantage due to the fact they will be kneeling, crouched and/or have their attention diverted during the assessment and rendering of first aid.
 - b. When possible, officers will utilize universal precautions – See OMS 116.05 (1).
 - c. Officers rendering first aid should use care not to aggravate the injury.
 - d. Officers electing to participate in the optional Tactical Casualty Care for Law Enforcement Officers and First Responders (TCC) course are authorized to utilize the approved trauma and/or tourniquet kit distributed by the Department upon successful completion of the course(s).
 - 1. If applied in the field, officers will document the use of the trauma kit within a street check.
 - 2. In order to replace the contents of the trauma kit, officers will submit a DPD 200, identifying the replacement items requested, the CAD number of the incident and a copy of the street check, to the Deputy Chief of Administration's Chief of Staff. Once submitted, the officer will be provided instructions on how to receive the replacement items.

REV. 03-16

- (2) Upon taking an individual into custody, arresting officers have the duty to exercise reasonable care for the prisoner's health and safety.

(3) **Ingestion of Contraband / Dangerous Substances:**

The department's primary objective in dealing with individuals who are believed to be concealing or who have ingested narcotics in their mouth is the preservation of life. The secondary objective is to preserve and recover evidence whenever possible. Interacting with narcotics dealers or users comes with inherent risks. Users can often be desperate and their behavior can be very unpredictable. Safety, not the arrest of the suspect(s) or seizure of evidence is the most important factor to be considered in these instances.

- a. Often, individuals fearing arrest will ingest or attempt to ingest controlled substances to avoid prosecution. Officers have a responsibility to ensure that individuals who face a potential medical emergency receive the necessary medical attention, regardless of the impact to any investigation. Consequently, experience has revealed that a person may be at risk if they chewed a narcotic for sufficient time to allow for ingestion (absorption) to occur, regardless of whether they actually swallowed the narcotic.
- b. Officers may not use physical force solely to stop a person from swallowing a substance or to retrieve evidence from the person's mouth. Officers may use reasonable and proportional force necessary to take an otherwise resisting person in to custody.
- c. When an officer believes that a person has ingested a narcotic, the officer will promptly call for an ambulance to assess and treat the individual.
- d. The officer should ask the person if he or she has swallowed a narcotic or is holding narcotics in his/her mouth and encourage an honest reply by explaining the serious consequences of swallowing narcotics, including the possibility of overdose or death. These measures may save the life of the person who unknowingly places him or herself at serious risk of injury or death due to overdose.
- e. Potential signs of ingestion are:
 - Loss of consciousness
 - Semi-consciousness
 - Apparent trouble breathing
 - Choking
 - Profuse sweating
 - Non-responsiveness (mental state)
 - Loss of mobility (inability to move or walk)
 - Vomiting
 - Extreme hyperactivity
 - Extremely violent behavior
 - Apparent imperviousness to pain
- f. When an individual has been transported to the hospital, the reporting officer will:
 1. Notify a supervisor as soon as practical.
 2. Accompany the individual to the hospital.
 3. Notify the attending physician of the situation, including estimated time elapsed since the narcotic was ingested, and if possible, the type, quantity and packaging of the narcotic ingested.
 4. Detail the incident in a GO report and statement, or complete a street check detailing medical treatment received.
 5. Call the appropriate district narcotics unit for guidance on possible charges and to determine if there is a need for a search warrant for stomach contents or for a dry cell at the Denver Detention Center.
 6. Notify the Denver Sheriff Department deputy assigned to the DHMC and provide them a completed Sick and Injured report (DPD 150). Write "Possible Narcotic Ingestion" on the form.
 7. Book any evidence obtained as a result of medical treatment in accordance with established procedure.

116.07 Display of Official Respect and Saluting Requirements

- (1) **Saluting at a Parade:** A uniformed officer at a parade wearing a uniform hat shall stand at attention, face toward the massed National Colors at the head of the parade and render a proper hand salute as they pass. Officers in attendance not wearing a uniform hat will stand at attention facing the colors and place their right hand over their heart. Other groups of colors that follow may be saluted if the officer's immediate attention to duty is not necessary.
- (2) **Saluting during Flag Ceremonies:** During flag ceremonies when the National Colors are hoisted or lowered, carried into any building, room or other place when they are present, officers in uniform, including uniform hat, will stand at attention facing the flag and render the prescribed hand salute. Officers in uniform, but not wearing a uniform hat, will stand at attention facing the flag and place their right hand over their heart. Those officers in civilian clothing will stand at attention, face the flag, remove their hats and place their right hand over their heart.
- (3) **Saluting during playing of the National Anthem:** Whenever the National Anthem is played, all officers present will stand at attention and face the flag or music. Uniformed members wearing a uniform hat will salute the flag or music with the prescribed hand salute. Uniformed officers not wearing a uniform hat will place their right hand over their heart. Officers wearing civilian clothes will remove their hats and place their right hand over their heart.
- (4) **Funeral Processions:** When duty requirements permit, an employee who is on a fixed post at an intersection through which a funeral procession passes shall stand at attention facing the procession. This position should be maintained until at least the hearse and the portion of the procession that contains the immediate family have passed.
- (5) The above rules shall be waived in circumstances requiring immediate police action or in those cases where the life of the officer or other persons might be endangered.

116.08 Deleted**116.09 Deleted****116.10 Deleted****116.11 Deleted****116.12 Responsibility to Stranded Persons**

- (1) It is the policy of the Denver Police Department to offer assistance to persons who become stranded, whether because of vehicular problems, law enforcement intervention or other circumstances beyond their immediate control, and when there are no other means of transportation or assistance available.
- (2) Cab Voucher Program
 - a. A supervisor shall determine the merits of all cab voucher requests and must grant approval prior to transport. Approval shall be based on the following factors:
 1. The subject is stranded at a place and time where personal safety may be jeopardized.
 2. The subject is stranded as a result of a law enforcement action.
 3. As a result of circumstances beyond the control of the subject, no other means of transportation or assistance is available to the subject.
 4. The subject's destination is significant in distance (in excess of twenty (20) minutes), which warrants transport by cab, rather than by officer.
 5. There is a legitimate and compelling need, i.e., victims of domestic violence, subjects involved in traffic accidents, etc.
 - b. Upon approval, these procedures are to be followed:
 1. The officer will transport the subject to the district station where the supervisor or the clerk will complete the Cab Voucher Log and provide a sequentially numbered voucher to the cab driver. (The pink copy of the vouchers must be placed on the Voucher Log.)
 2. The vouchers and log must be kept in a secured area.
- (3) If a citizen refused transportation, the officer shall document the fact on the log sheets.

REV. 8-10

116.13 Requests for Photos

- (1) No photo will be used where the subject's picture appears in the Daily Bulletin except to detectives filing a case or having the subject under investigation.
- (2) No more than one photo will be issued to an officer except when they have more than one suspect under immediate investigation.
- (3) All requests for photos must reflect the case number or the location of offense and reason photo is needed on the Search of Records Application, DPD 241.
- (4) Any requests for photos in conflict with this procedure must be approved in writing by the requester's commanding officer and the Commander of Administrative Management.

116.14 Deleted

116.15 Deleted

116.16 Handling Barricaded Suspects and Hostage Situations

- (1) The primary objective in a barricaded suspect or hostage incident is the preservation of life. All actions taken should be aimed at reducing the likelihood of further violence. Whenever possible, such situations shall be handled in the following manner:
 - a. The first officer on the scene should select an approach that will ensure his/her own safety. He/she should then attempt to isolate, contain, and evaluate the situation, provide an initial report to the dispatcher, and request additional resources as needed.
 - b. The first officer on the scene will verify a barricaded suspect or hostage situation, based on the following check list:
 - 1. The suspect has committed or is reasonably suspected of having committed a criminal act.
 - 2. There is a good reason to believe the suspect is armed.
 - 3. The suspect poses a potential threat to the lives of others.
 - 4. The suspect is secreted in a position of advantage.
 - 5. The suspect has refused to submit to arrest or has refused to respond to attempts at contact.
 - c. If such a situation does exist, he/she will notify his/her immediate supervisor and the dispatcher, without delay.
 - d. The dispatcher will notify:
 - 1. The personnel responsible for handling barricade and/or hostage incidents.
 - a. The ranking on-duty or on call supervisor/command officer of the affected District.
 - b. The commanding officer of the METRO/SWAT Bureau or his/her designee.
 - c. The commanding officer of the Major Crimes Division.
 - d. The on-call Public Information Officer to handle media inquiries.
 - 2. The Communications Center supervisor, who will make any other necessary notifications.
- (2) Primary responsibilities of the first officers at the scene.
 - a. Contain the suspect via inner and outer perimeters.
 - b. Attempt to establish communication with the suspect and determine the nature of the problem. Officers should avoid bargaining with or making any concession to the suspect.
 - c. Commence evacuation of affected area.
- (3) The ranking command officer from the affected patrol district will take immediate command of the incident scene until relieved of this responsibility by the Deputy Chief of Operations who will designate the Situation Commander. The Command Officer/Situation Commander's responsibilities include:
 - a. Assuming total command of the police personnel at the scene.
 - b. Making any necessary notification to off-duty command personnel in the affected district.
 - c. Establishing a command post with as many of the following site characteristics as possible:
 - 1. Close proximity to the scene, but out of visual contact.

2. Sufficient area for officers to assemble.
 3. Safe avenues of entry and exit.
 4. Upwind from the suspect.
 - d. Isolating the scene through a controlled outer perimeter.
 1. Traffic should be directed away from the scene.
 2. Citizens in the danger area should be evacuated.
 - e. Notifying the dispatcher of the location of the Command Post and of the need for the Fire Department, ambulance, or helicopter to respond to the scene or be placed on standby.
 - f. Notify the P.I.O. and establish a media briefing area at a location separate from the Command Post. This area must be out of sight of the tactical operations area to avoid unintentional release of operational plans to the suspect.
 - g. Requesting a clear channel from the dispatcher, if appropriate.
 - h. Requesting the assistance of Departmental Hostage Negotiators, if needed.
 - i. Establishing and maintaining communications between the Command Post, the hostage negotiators and the METRO/SWAT Bureau.
 - j. Having the final authority to order capitulation to the suspect's demands or invoke a tactical response.
 - k. Once the Situation Commander has decided that a tactical response is the most appropriate action, he will relinquish command to the commander of the METRO/SWAT Bureau. The METRO/SWAT Bureau commander will advise the situation commander of tactical progress and activity.
- (4) Support assignments during the tactical operations phase.
- a. It will be the responsibility of the commanding officer of the METRO/SWAT Bureau to:
 1. Evaluate METRO/SWAT personnel requirements and arrange for their response, including planning and deployment of officers for immediate resolution of the situation.
 2. Position and prepare sniper/observers, arrest, and entry teams.
 3. Establish an inner perimeter, staffed as much as possible with METRO/SWAT officers, for the purpose of excluding unauthorized personnel (including unauthorized police personnel). The Situation Commander will make the final determination regarding personnel to be allowed inside the inner perimeter.
 - b. The commanding officer of the Major Crimes Division, or his/her designee, will provide staff and equipment with which to conduct negotiations, gather intelligence information on suspects, and investigate and photograph the crime scene.
- (5) The Commander of the Major Crimes Division or his/her designee will assume the position as the Situation Commander when requested to do so by the Deputy Chief of Operations, or his/her designee, for the purpose of providing for the crime scene investigation, including the filing of any subsequent criminal charges.
- (6) General guidelines for consideration during a hostage/barricade situation:
- a. A calm and controlled atmosphere is the best ally of the police. Delay tactics should be used whenever possible to facilitate proper planning and response.
 - b. Hostages are best protected when not moved from the presence of police.
 - c. Police officers shall not surrender themselves as substitutes for any hostage.
 - d. If, at any time, the suspect begins to injure or kill the hostages, immediate action should be taken to neutralize the situation, if the situation permits.
 - e. Experience has shown that officers who surrender their weapons for any reason increase the danger to all concerned, particularly themselves.

116.17 Policing Auraria Campus (Revised 03/2013)

- (1) Auraria Department of Police and Security Authority
 - a. Under CRS state institutions are authorized to employ police officers to perform police and administrative functions as may be deemed necessary.

REV. 1-06

- b. These officers hold a classification as "Peace Officer" pursuant to CRS §16-2.5-148 and are certified by the P.O.S.T. board.
- c. The City and County of Denver has granted Auraria Police Officers "Special Police" powers to enforce parking and motor vehicles codes within the campus proper.

(2) Jurisdiction

- a. Auraria Department of Police and Security is the primary law enforcement agency for the Education Center.
- b. The Auraria Higher Education Center campus consists of 180 acres, and lies north of Colfax Avenue, south of Auraria Parkway, west of South Speer Boulevard, and east of Fifth Street.
- c. The Denver Police Department is the primary law enforcement agency regarding all off-campus leased properties. Auraria Police will provide crime prevention or other non-enforcement services to these tenants. Auraria officers may respond to contain an emergency or assist DPD at their request.

(3) Offenses

- a. Auraria Department of Police and Security enforces all federal laws, state statutes and some limited Denver Revised Municipal Code (D.R.M.C.) ordinances; however, the Denver Police Department has the ultimate responsibility for prosecution of offenses occurring on or about the Auraria campus.
- b. In situations occurring on the Auraria campus which are likely to result in felony prosecution, officers from the Auraria Department of Police and Security shall begin preliminary investigation and take those steps necessary to preserve any crime scene, and keep witnesses and victims available for further investigation and interview by the Denver Police Department officers and/or detectives. In such cases, Denver Police officers shall complete a General Occurrence (GO) Report, DPD 250, where required.
- c. Auraria officers will complete General Occurrence (GO) Reports in cases involving minor offenses where they are no suspects or physical evidence present. Auraria officers will also complete traffic accident reports when death and/or serious bodily injury are not involved. These reports will be delivered to the Denver Police Department as outlined in subsection 5e.
- d. When making an arrest for violations of city ordinances, Auraria officers shall complete the General Sessions Summons and Complaint (GSS&C), DPD 287, and sign as the complainant. Denver police officers shall ensure the completeness of the summons and complaint, shall sign as the arresting officer, and issue the summons to the violator.
- e. Auraria police will request specialized assistance from the Denver Police Department. These situations may include hostage negotiation, METRO/SWAT, crime scene processing, criminal investigations and DUI car response.
- f. The Denver Police Department has primary reporting and investigative responsibility for all crimes occurring on the Auraria Campus that fall under the jurisdiction of the District Attorney for the second Judicial District and most of the crimes that fall under the jurisdiction of the Denver County Court. This includes, but is not limited to, all felony and State misdemeanor cases, any crime of violence or threatened violence, any crime involving injury or threatened injury, any crime involving the use or threatened use of a weapon, or any crime involving the destruction or threatened destruction of property.

(4) Structure

- a. Auraria Department of Police and Security is a continuously functioning police agency, in operation twenty-four (24) hours a day.
- b. The department has a uniform division consisting of "Peace Officers" as defined in C.R.S. §16-2.5-148 and unarmed state security officers, twenty-four (24) hour dispatch functions with CCIC and NCIC capacity, and a police and security unit assigned to the Tivoli Student Union on a twenty-four (24) hour basis.
- c. The Auraria police building at 1201 5th Street, Denver, CO 80217, serves as headquarters. There is a police satellite station at the Tivoli Student Union, 900 Auraria Parkway, room 228. Officers and civilians can contact the Communication Center by calling (303) 556-5000, and in emergencies on campus by calling 911. The campus 911 phone system operates independent of the DPD system.

(5) Communications

- a. All calls for service within the campus are directed to the Auraria Police dispatcher via the campus wide systems or through telephoning (303) 556-5000 for non-emergency calls.

- b. The Auraria Police dispatcher is in contact with the Denver Police Department via phone and Denver Police radio "Tac-6" and channel 6.
- c. The Auraria Police dispatcher performed NCIC and CCIC clearances.
- d. Auraria Police officers use the Denver Police Department report writing system and forms and are trained in their use. Denver Police officers will countersign these reports as needed.
- e. Police reports are reviewed and approved by Auraria Police supervisors and are delivered to the Denver Police Department on a daily mail run.

116.18 Deleted

116.19 Funeral and Mourning Procedures for Police Officers on Active Duty at the time of their Death

- (1) The Denver Police Department will provide liaison assistance to the immediate survivors of an officer who dies in the line of duty. This assistance is provided whether the death was unlawful or accidental (i.e., automobile accident, hit by a passing vehicle during a traffic stop, training accident) while the active member was performing a police-related function, either on or off-duty and while he or she was an active member of the Department. The Chief of Police may institute certain parts of this procedure for cases of a member's natural death or serious injury. The Department will also provide a clarification and comprehensive study of survivor benefits as well as emotional support during this traumatic period of readjustment for the surviving family. Funeral arrangements of the deceased member are to be discussed with the family, with their wishes taking precedence over the Department's.
- (2) Coordination of events following the line-of-duty death of a police officer is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the member's survivors and to the law enforcement community. In order to provide the best possible services and support for the member's family, specific tasks may be assigned to selected members of the Department. Their titles are:
 - **NOTIFICATION OFFICER**
 - **HOSPITAL LIAISON OFFICER**
 - **FAMILY LIAISON OFFICER**
 - **DEPARTMENT LIAISON OFFICER**
 - **FUNERAL LIAISON OFFICER**
 - **BENEFITS COORDINATOR**
 - **PUBLIC INFORMATION OFFICER**
- (3) An explanation of each of these responsibilities follows. A member may be called upon to perform more than one role. Officers are encouraged to maintain an up-to-date "Confidential Line-of-Duty Death Information" form in the Human Resource Management Bureau and at their assignment. The form will be updated at the regular performance evaluation session. Commanders are responsible for the distribution of these forms. The information will be of extreme comfort to members' families and the Department in fulfilling the deceased officer's wishes.
- (4) **NOTIFICATION OFFICER – Procedures and Responsibilities**
 - a. The captain of the affected officer(s) shall have the responsibility of insuring proper notification of the next of kin of a member who has suffered severe injuries or died. The Captain will serve as the **NOTIFICATION OFFICER** or designate another to inform the survivors. In the case where an officer has requested someone else for notification, the captain will respond to assist and adhere to the request if the person is immediately available. This information will be found in the officer's "Confidential History" form in his/her personnel file at the assignment.
 - b. **The Department will not release the name of the deceased member before the immediate family is notified.** When appropriate, the **PUBLIC INFORMATION OFFICER (PIO)** will release any and all information regarding the event.
 - c. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be called to the residence at the time of notification.
 - d. The deceased or severely injured member(s) partners should also be afforded the courtesy of a personal notification whenever possible. A second designated **NOTIFICATION OFFICER** will accomplish this.

- e. Notification will be made in person and never alone. The Chief of Police or his/her designee, police chaplain, close friend, and/or another police survivor could appropriately accompany the **NOTIFICATION OFFICER**. However, if the aforementioned persons are not readily accessible, notification should not be delayed until these people can gather. If there is an opportunity to get to the hospital prior to the demise of the member, do not wait for the delegation to gather. The family should learn of the death from the Department first and not from the press or other sources.
- f. Never make a death notification on the doorstep. Ask to be admitted to the house. Inform family members slowly and clearly of the information you have. If specifics of the incident are known, the **NOTIFICATION OFFICER** should relay as much information as possible to the family. Be sure to use the member's name during the notification. If the member has died, relay that information. Never give the family a false sense of hope. Use words such as "died" and "dead," rather than "gone away" or "passed away." **The NOTIFICATION OFFICER** should be consoling the family, not the other way around.
- g. If the family requests to visit the hospital, they should be transported by police vehicle. It is highly recommended that the family not drive themselves to the hospital. If the family insists on driving, an officer should accompany them in the family car.
- h. If young children are at home, the **NOTIFICATION OFFICER** must arrange for immediate babysitting needs. This may involve co-workers' spouses, transportation of children to a relative's home, or similar arrangements.
- i. Prior to departing for the hospital, the **NOTIFICATION OFFICER** should notify the hospital staff and the **HOSPITAL LIAISON** (by telephone if possible) that member(s) of the family are en-route. If immediate survivors live beyond the Denver metropolitan area, the **NOTIFICATION OFFICER** will ensure that the Denver 911 sends a Teletype message to the appropriate jurisdiction requesting a personal notification. The **NOTIFICATION OFFICER** should call the other jurisdiction telephone in addition to the Teletype message. The department's **LIAISON OFFICER** may assist with this duty in the even the **NOTIFICATION OFFICER** is involved in other duties.
- j. The Chief or a high-ranking representative should respond to the residence or the hospital to meet with the family as quickly as possible.
- k. In the event of an on-duty death, the external monitoring of police frequencies may be extensive. **Whenever possible, communications regarding notification should be restricted to the telephone.** If the media has obtained the member's name, they will be advised to withhold the information pending notification of next of kin. All officers should be aware of radio transmissions discussing the event while family members are in the vehicle. When possible, lower the volume so that conversations that may cause further distress are limited.

(5) HOSPITAL LIAISON OFFICER

- a. The Captain of the District in which the event occurs is responsible for confirming a HOSPITAL LIAISON OFFICER is responding. Denver 911 will call officers from a predetermined list. The HOSPITAL LIAISON OFFICER is responsible for coordinating the activities of hospital personnel, the member's family, the press, and others at the hospital. These responsibilities include:
 - 1. Contacting the Attending Physician or the emergency room Charge Nurse and arranging to provide an appropriate waiting facility for the family. The Charge Nurse will introduce the social worker to assist. Obtain the hospital ID card and return it when you leave.
 - 2. Arranging a separate area for fellow police officers to assemble. Ensure that the Police Psychological Services and Peer Support are responding.
 - 3. Establishing a press staging area outside the hospital. This is coordinated with the **PUBLIC INFORMATION OFFICER**.
 - 4. Ensuring that medical personnel relay pertinent information regarding a member's condition to the family on a timely basis before such information is released to others.
 - 5. Assist medical personnel with ongoing issues such as, crowd control, police car parking, etc.
 - 6. Open and staff the entrance, located on Speer Boulevard, nearest the Denver Sheriff's Department office. Officers can enter and exit the hospital through this entrance. Police cars can be stacked (parked) in the lot directly outside this door.

7. Ensure that all police responders deposit their car keys at the Sheriff's office. This will ensure the location of the keys in the event some cars need to be relocated.
 8. Request additional traffic control to block off the 600 block of Bannock Street for parking if the need arises. No police cars will be parked at the ambulance dock.
 9. Ensure that the family is updated regarding the incident and the member's condition upon their arrival at the hospital.
 10. Arranging transportation for the family back to their residence.
- b. **If it is possible for the family to visit the injured member before death, they should be afforded the opportunity.** A medical officer, with the assistance of a police official, will "prepare" the family for what they might see in the emergency room and should accompany the family into the room for the visit if the family requests it. Medical personnel will advise the family of visitation policies and explain the donation process. In the event of death, a police official will explain the necessity of autopsy.
 - c. The **NOTIFICATION OFFICER(S)** should remain at the hospital while the family is present.
 - d. Do not be overly protective of the family. Do share specific information of how the member met his/her demise, as well as allowing the family time with the deceased member.

(6) **FAMILY LIAISON OFFICER**

- a. The selection of a **FAMILY LIAISON OFFICER** is a critical assignment. An attempt should be made to assign someone who enjoyed a close relationship with the member and his/her family. When possible, male/female "teams" should be utilized as **FAMILY LIAISON OFFICERS**; thus, preventing bonding between the survivor(s) and member during a vulnerable time in the survivor's life.
- b. This is not a decision-making position, but a "facilitator" between the family and the Department.
- c. Responsibilities of the **FAMILY LIAISON OFFICER** include:
 1. Ensuring that the needs of the family come before the wishes of the Department.
 2. Assisting the family with funeral arrangements and making them aware of what the Department can offer if they decide to have a police funeral. The **FUNERAL LIAISON OFFICER** will assist in the process. If they choose the latter, briefing the family on funeral procedure (i.e., presenting the flag, playing of taps, rifle squad).
 3. Apprising the family of information concerning the death and continuing investigation, after receiving the accurate information from the Major Crimes Division.
 4. Providing as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family travel, food for funeral attendees following the burial, etc.
 5. Notifying Concerns of Police Survivors (C.O.P.S.) at (573) 346-4911. Members are available to provide emotional support to surviving families.
 6. Carrying a cell phone at all times. If the **FAMILY LIAISON OFFICER(S)** does not have a cell phone, they are to contact the Administrative Management Division to obtain one.
 7. Informing the family as to what to expect in relationship to media coverage.
 8. **FAMILY LIAISON OFFICER(S)** should request the assistance of the **DEPARTMENT LIAISON OFFICER** with any of these duties.

(7) **DEPARTMENT LIAISON OFFICER**

- a. This position is normally assigned to an aide in one of the offices of the senior command staff. The **DEPARTMENT LIAISON OFFICER** will be a commander, i.e., captain, lieutenant, or higher because of the need to effectively coordinate resources throughout the Department.
- b. Responsibilities of the department LIAISON OFFICER include:
 1. Assigning the Family and Funeral Liaison positions, with the approval of the Chief of Police or designee.
 2. Conducting a Daily Briefing for the Chief of Police and senior command staff. The Public Information Officers, the Benefits Coordinator, the Hospital Liaison and Funeral planner will attend and report updates at these briefings.

3. Working closely with the FAMILY LIAISON OFFICER to ensure that the needs of the family are fulfilled.
4. Issuing a Teletype message to outside agencies, describing:
 - a. Name of deceased.
 - b. Date and time of death
 - c. Circumstances of surrounding the death
 - d. Funeral arrangements (state if service will be private or a police funeral)
 - e. Uniform to be worn
 - f. Expressions of sympathy in lieu of flowers
 - g. Contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information
5. Issuing printed messages from the Chief of Police, notifying members of timely information, i.e., policy regarding the wearing of memorial sashes on badges and vehicles, funeral service details.
6. Establishing a command center and telephone line to coordinate information and response to the tragedy. This telephone number will be given to the community, as well as department members.
7. Coordinating the activities of all the specialty officers involved in the event.
8. Arranging for routine residence checks of the survivor's home by the Patrol Division for 6-8 weeks following the funeral. This service is necessary since large amounts of money are passing through the residence and the survivors will be spending time away from home with legal matters.
9. Writing correspondence for the Chief of Police to recognize all that assisted with the event.

(8) PUBLIC INFORMATION OFFICER

- a. The Public Information Officer will handle the news media throughout the ordeal. If the family decides to accept an interview, a member should attempt to "screen" questions presented to the family so as not to jeopardize subsequent legal proceedings.
- b. Responsibilities of the Public Information Officer (at the hospital) include:
 1. Contacting the hospital PIO to coordinate the initial press releases
 2. Obtain and wear the hospital ID card. Return it when you leave
 3. Locate and set up Press area outside the hospital
 4. Communicate (joint) press releases from the hospital
 5. Follow-up with department press releases per the PIO job description

(9) FUNERAL LIAISON OFFICER

- a. Responsibilities of the FUNERAL LIAISON OFFICER include:
 1. Meeting with the following persons to coordinate funeral activities and establish an itinerary:
 - a. Chief of Police and Bureau Commanders (daily briefing)
 - b. Funeral Director
 - c. Family Priest, Minister, or Police Chaplain (when requested)
 - d. Cemetery Director
 - e. Traffic Operations Special Events Director
 - f. Honor Guard, Rifle Team, Bugler, and Bagpipers
 2. Directing funeral activities of the Department and visiting police departments according to the wishes of the family.
 3. Obtaining an American flag. If the family wishes a flag presentation by the Chief, notify the Chief's Office.
 4. Determining if the family desires a burial in uniform and selecting a member to obtain a uniform and all accouterments (except weapons) and deliver them to the funeral home.
 5. Arranging for the delivery of the member's personal belongings to the family.

6. Updating the Chief and staff concerning all funeral arrangements at the daily briefing.
7. Ensuring that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.
8. Arranging for a stand by doctor for the family, if necessary.
9. Coordinating traffic management with the Traffic Operations Bureau for other jurisdictions during the viewing, funeral, and procession, and arranging for a tow truck to be available along the procession route.
10. Assigning a member to remain at the family home during the viewing and funeral.
11. Maintaining a roster of all Departments sending personnel to the funeral, including:
 - a. Name and address of responding agencies
 - b. Name of the Chief of Police
 - c. Number of officers attending the reception after the funeral
 - d. Number of vehicles
12. Assisting in making the necessary accommodation for food, lodging, etc.

(10) **BENEFITS COORDINATOR**

- a. The Director of the Human Resource Management Bureau will function as the **BENEFITS COORDINATOR** and will gather information on benefits/funeral payments available to the family. The **BENEFITS COORDINATOR** has the Department's full support to fulfill this responsibility to the survivors and is completely responsible for filing the appropriate benefit paperwork and following through the family to ensure that these benefits are being received.
- b. The **BENEFITS COORDINATOR** is responsible for:
 1. Notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased member are directed to the City's Workers Compensation Unit. The family should not receive any of these bills at their residence. This may required the BENEFITS COORDINATOR to re-contact the hospital during normal business hours to ensure that proper billing takes place.
 2. Filing Worker's Compensation claims and related paperwork.
 3. Contacting the appropriate offices without delay to ensure that the beneficiary receives death and retirement benefits, the member's remaining paychecks and payment for remaining sick leaves and compensatory time.
 4. Gathering information on all benefits/funeral payments, to include the Public Safety Officers' Benefits Act, that are available to the family.
 5. Setting up any special trust funds or educational funds.
 6. Notifying police organizations of the death and ensuring that any and all entitlements are paid to the beneficiary. These agencies may also offer legal and financial counseling to the family at no cost.
 7. Preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries and contracts at various offices, and when they can expect to receive payment.
 8. Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time.
 - a. If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the children may be receiving.
 - b. Attention should be given to the continuation of health care benefits. Many providers allow a thirty-day (30-day) grace period before canceling or imposing monthly payments upon survivors.
 - c. Meeting again with the family periodically to ensure they are receiving benefits.
 9. Immediately prepare a report containing publishable information of any officer killed in the line of duty. This information is to be brought to the hospital as the Coordinator responds. The Public Information Officer will use the report for media releases.

10. Retrieve the Confidential Line of Duty Death Information form for the officer and delivery it to the **DEPARTMENT LIAISON OFFICER** at the hospital, in the sealed envelope.

(11) CONTINUED SUPPORT FOR THE FAMILY

- a. Members of the Department must remain sensitive to the needs of the survivors long after the member's death. The grief process has no timetable. More than half of the surviving spouses can be expected to develop a post traumatic stress reaction to the tragedy.
- b. Survivors should continue to feel a part of the "police family." They should be invited to Department activities to ensure continued contact.
- c. Members of the Department are encouraged to keep in touch with the family. Close friends, co-workers, and officials should arrange with the family to visit the home from time to time so long as the family expresses a desire to have these contacts continue.
- d. The Chief of Police should observe the member's death date with a short note to the family, flowers on the grave, and/or wreath placement at the National Law Enforcement Officers Memorial.
- e. Holidays may be especially difficult for the family, particularly if small children are involved. Increased contact with the survivors and additional support is important at these times.
- f. The FAMILY LIAISON OFFICER acts as a long-term liaison with the surviving family to ensure that close contact is maintained between the Department and the survivors and that their needs are met for as long as they feel they need for support.
- g. If no court proceedings surround the circumstances of the member's death, the FAMILY LIAISON OFFICER will relay all details of the incident to the family at the earliest opportunity.
- h. If criminal investigations surround the death, the FAMILY LIAISON OFFICER will:
 - 1. Inform the family of all new developments prior to press release.
 - 2. Keep the family apprised of legal proceedings.
 - 4. Introduce the family to the victim's assistance specialists of the court.
 - 5. Encourage the family to attend the trial, and accompany them whenever possible.

Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

i. ASSISTANCE FOR AFFECTED MEMBERS

- 1. Members who were on scene or who arrived moments after a member was critically injured or killed should be relieved from duty as quickly as possible.
- 2. Police witnesses and other members who may have been emotionally affected by the serious injury or death of another member will attend a Critical Incident Stress Debriefing held by a trained medical health professional.
- 3. Members may call upon the services of the Police Psychologist.
- 4. Members may also seek out colleagues with the Peer Support Program.
- 5. Members of the Peer Support Program are available on an on-call basis. The FAMILY LIAISON OFFICERS are also members of Peer Support, but in the event surviving officers require additional assistance, call Peer Support.
- 6. A Peer Advisor receives a request for service via radio or a fellow officer. Peer advisors can be contacted individually or by calling the Peer Support: (720) 641-0208.
- 7. The Peer Advisors will assist Dr. John Nicoletti or a member of his staff by arranging roll call or group debriefing sessions.
- 8. The Police Chaplains are always available to Department members.

j. Traffic Operations Bureau Special Events Unit Responsibilities

- 1. The Special Events Coordinator is responsible for the overall management of all transportation related to the funeral. Specific duties may include, but are not limited to:
 - a. Escorting the family limousines to the service facility. This involves meeting and providing an escort from the family's home or other designated area.
 - b. Providing an escort for the funeral procession to any sites involved in this proceeding.
 - 1. Manage all traffic control along the route
 - 2. Manage all movement of the funeral procession
 - 3. Assist with organizing the vehicle order in the procession once the funeral managers (mortuaries) have made their determinations.

4. Coordinate and order any traffic control cones or barricades as needed.
5. Ensure the placement and return of the traffic control devices.
6. Coordinate with outside law enforcement organizations and other applicable agencies to ensure a safe, controlled route.
- c. Miscellaneous duties: Coordinate the Color Guard and Rifle Team.
- d. Chain of Command
 1. The department **LIAISON OFFICER** reports to the Chief of Police or designee. All other officers involved in the vent report directly to the department **LIAISON OFFICER**, except the **HOSPITAL LIAISON OFFICER**.
 2. The **HOSPITAL LIAISON OFFICER** is in command and has control of the hospital scene. When, in the case of surviving injured officers, an extended stay is imminent, the **HOSPITAL LIAISON OFFICER** will ensure a police guard for the officer(s). In these cases, the **HOSPITAL LIAISON OFFICER** will attend the Daily Briefings and report updates.
 3. All tasks surrounding the event will be coordinated through the department **LIAISON OFFICER** to ensure completion and avoid duplication of work.

(12) All officers attending the services are encouraged to appear in uniform.

- a. The uniform of the day shift shall be long sleeve shirts, ties, and hats.
- b. The Honor Guard will always wear their authorized winter uniform.
- c. Officers in uniform, upon entering or departing the place of services and while passing by the deceased, shall carry the hat in the right hand and place it over the badge.
 1. Detectives and other non-uniformed personnel shall form after the uniformed officers, enter the place of services directly behind them, and sit collectively.
 2. These department representatives will accompany the cortege to the cemetery and will attend the graveside services:
 - a. The Honor Guard
 - b. The Police Rifle Team
 - c. At least ten (10) uniformed officers
 - d. Use of one police car is authorized to lead the procession as are four (4) solo motorcycles when weather permits.

(13) The Department will observe a period of official mourning for all Denver police officers who are on active duty at the time of their death.

- a. When officers are killed on duty or at any time as the result of being involved in a police related action, or due from wounds or injuries received while on duty or any time while involved in a police related action, the mourning will commence upon notification from the proper authority and will continue until the completion of detail three on the day of the services.
- b. When officers die while active members of the Denver Police Department, the mourning will commence the day before the service at the beginning of detail one and will end the day of the services at the completion of detail three.
- c. All Police Department flags shall be displayed with due respect for the same period of time at the direction of the Chief of Police.
- d. Affixing black tape to the uniform badge is an authorized addition to the uniform during the official mourning period.
 1. Only 3/4 inch black electrical type tape is authorized as a mourning shroud. It will be distributed by the Financial Services Bureau to all units as needed.
 2. The black tape will be affixed so as to run from the upper left of the badge as worn, diagonally to the lower right at a 45 degree angle. This shroud will be removed from the uniform badge at the termination of the official mourning period. See OMS 116.19(3)a. and b.
- e. An official period of mourning may be authorized by the Chief of Police to honor the memory of other law enforcement officers or dignitaries. This mourning period will not be longer than that

observed by the parent agency, may include an appropriate display of the Police Department flags and wearing black tape as an authorized addition to the uniform badge.

116.20 Funeral Procedures for Retired Members of the Department

- (1) Upon learning of the death of a member of the Denver Police Department who has been retired from the active service, the Human Resource Management Bureau shall notify the Special Operations Division Chief. The Human Resource Management Bureau will provide the name of the deceased officer, the time and place of the funeral, and the family's wishes about police participation in the arrangements.
- (2) The Special Operations Division Chief, or his/her designee, will coordinate police participation in the funeral.
 - a. When the funeral is held in the metropolitan Denver area, twelve (12) uniformed officers shall be assigned to attend the services. These officers will be assigned evenly from each district station.
 - b. Whenever possible, the secretary of the Retired Officers Association will direct the seating of active, uniformed and retired officers from the Department who attend the services. In the absence of the secretary, the Police Department coordinator will direct such arrangements.
 - c. At the conclusion of the services, one member of the funeral detail will direct the officers to line the route of the casket from the chapel to the hearse.
 - d. At least two (2) uniformed officers will represent the Department by accompanying the cortege to the cemetery and attending the graveside services.
 - e. Use of one (1) police car is authorized to lead the funeral procession to the cemetery.

116.21 Deleted

116.22 Private or Commercial Aircraft Crashes

- (1) Whenever a privately owned or commercial aircraft crashes anywhere within the city limits of Denver, officers of this department will respond to the scene.
 - a. The first car arriving at the scene of the crash will request whatever assistance is required to begin rescue operations and to secure the area. These officers will function as the police command post until a supervisory or command officer of the district in which the crash occurred arrives at the site.
 - b. The Fire Department will be called whether or not there is an active fire resulting from the crash. The Fire Department will first direct their attention to extinguishing any active fires and be immediately available in the event of an explosion or fire. They will also assist in the rescue operations. Upon the arrival of the Fire Department, police officers will direct their attention to securing the area and providing clear, easy access and exit routes for all emergency response equipment and personnel.
- (2) If the crash occurs on the Denver International Airport (D.I.A.) grounds, the Airport Police and Director of Denver International Airport (D.I.A.) will immediately respond to the scene. These people will set in motion the emergency procedures especially developed for such incidents. The responsibilities of the district and traffic officers at the scene will be insuring security of the airport perimeter and maintaining open access and exit routes for emergency response personnel
- (3) It is essential that adequate police units be deployed without delay so control of the entire situation can be retained by the proper authorities. Attention must be directed at crowd control, security of the involved area, assisting evacuation efforts in case of fire or explosion, preventing looting and theft, maintaining open routes into and from the site and to the hospitals.
- (4) The Denver Police Department is not responsible for completing reports concerning the aircraft crash. The investigation will be conducted by the FAA and the National Transportation Safety Board.
 - a. The Denver Police Department WILL complete the Sick and Injured Report, DPD 150, for injured persons transported to the hospital from the crash site.
 - b. Appropriate reports related to incidents occurring because of the atmosphere created by the airplane crash, such as an auto accident or property theft, will be completed by Denver police officers.

REV. 12-14

- (5) The City Coroner's Office will take charge of the dead. The Coroner will contact the Police Department Crime Laboratory or the Identification Section if assistance is required to identify the deceased.

116.23 Military Aircraft Crashes

- (1) When an air crash involves a military plane, the first officers on the scene will function in the same manner as when private or commercial aircraft crash EXCEPT that military authorities will take complete charge of the incident upon their arrival.
- (2) Officers are warned to be especially cautious when at the site of the military aircraft crash.
- These planes are designed to protect the onboard defense devices should the crash happen in hostile territory. Therefore, many unusual hazards exist. These include explosives built into the ejection and electronic guidance systems, quantities of oxygen in the cockpit, high pressure hydraulic systems, and extremely caustic batteries.
 - The Denver Police Department Bomb Squad and the Fire Department will be called to the scene as military aircraft can be loaded with incendiary devices, various types of bombs and other weaponry.
 - OFFICERS MUST RESIST the instinctive reaction to immediately check for injuries and remove any people who may be in the aircraft. Officer should approach the downed aircraft ONLY AFTER specially trained and protected military, Bomb Squad, and Fire Department personnel have arrived, evaluated the crash site, and, when necessary, disarmed any explosive devices that may be aboard.
- (3) Prior to the arrival of the military authorities, police officers on the scene will prevent photographs from being taken of any military property or equipment, except by authorized U.S. Government officials. Anyone taking unauthorized photographs of military aircraft and equipment can be subject to Federal Espionage Laws. No information concerning the event will be given to unauthorized persons.
- (4) The City Coroner's Office will take charge of the dead. The Coroner will contact the Denver Police Department Crime Laboratory or the Identification Section if assistance is required to identify the deceased.

116.24 Deleted**116.25 Assisting Fire Department**

- (1) When requested by Fire Department:
Whenever the Fire Department requests police assistance at a scene, the police dispatcher will send a police officer.
- The responding officer will determine if additional officers are needed, and if so, will request additional assistance from the police dispatcher.
- (2) Duties of officers at the scene of a fire:
- Secure the scene and entrances, and protect the fire area and outer parameter.
 - Control access roads to and from the fire site needed for emergency equipment.
 - Assist other agencies at the scene responsible for minimizing the seriousness of the fire, and restoring normal services, such as utility companies.

116.26 Deleted**116.27 Utilization of Canines**

- (1) Canines to the METRO/SWAT Bureau will be available to assist in area searches, building searches, security at scenes of major crimes or disasters, in addition to regular patrol duties and special assignments.
- (2) Canines assigned to the Special Operations Division and Airport Police Division / Explosive Detection Canine Units, will be available to assist in the explosive detection, dignitary protection, counterterrorism sweeps and Bomb Unit support.
- (3) If an officer needs a canine and none are on duty, the dispatcher shall be notified. The canine supervisor will be contacted and will make the determination of which canine officer to send.

- (4) Canine handlers shall have the approval of a Metro/K-9 Unit supervisor, or Airport Police/K-9 Unit supervisor, before any PSD can be deployed. The canine handlers, along with Metro/K-9 or Airport Police/K-9 supervisors, will determine the appropriate utilization of the canines
- (5) Any conflicts in utilization shall be reported in writing, via the chain of command, to the Commander of the Special Operations Division or Commander of the Airport Police Division.

116.28 Deleted

116.29 Use of Informants

- (1) Policies and procedures governing the use and compensation of informants apply to all officers. These policies and procedures will be maintained by the Criminal Investigation Division Chief as stated in OMS 302.14.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



117.00 EMPLOYEE RIGHTS

REVISED: 06/20/2016

PAGE: 1 OF 7

117.01 BILL OF RIGHTS (SWORN OFFICERS ONLY)

(1) EXERCISING RIGHTS:

No officer will be disciplined or discriminated against with regard to his/her employment, or be threatened with any such treatment, by reason of his/her exercise of the rights granted in this Police Officer's Bill of Rights.

(2) DISCRIMINATION:

Police officers will not be discriminated against or penalized in regard to their employment because of actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation or for any reason not related to performance or the ability to perform as professional police officers.

(3) NOTIFICATION:

No officer will have any comment adverse to his/her interest entered in the Performance Evaluation System or personnel file without having the opportunity to read and sign the instrument containing the comment. The officer may, within thirty (30) days of learning of the adverse comment, file a written response to be attached to the adverse comment.

(4) PRIVACY:

No locker or other space for storage that is provided by the department and assigned to an officer will be searched except:

- in the officer's presence, or
- with the officer's consent, or
- unless a valid search warrant has been obtained, or
- when notification has been made that a search will be conducted.

(5) POLITICAL ACTIVITIES - GENERAL:

No officer will be prohibited from engaging in political activities, except for those restrictions provided by law and departmental procedures governing off-duty employment and except when on-duty or when acting in his/her official capacity, provided such activities do not impede or impair the efficient operation of the department.

- a. No officer while seeking or holding any political office will appear in that capacity in the Denver police uniform or use his/her position as an officer to gain political office or carry out the duties thereof.

(6) INTERNAL INVESTIGATION COMPLAINTS:

An officer under internal investigation will be informed of the general nature of the investigation as soon as practical after the complaint has been received. This provision will not apply to a complaint/investigation that would be jeopardized by such notification.

- a. Officers subject to an internal investigation will be permitted to read the written complaint summary prior to being required or compelled to make a verbal or written statement concerning the matter under investigation. The complainant's name will not be deleted from the complaint summary unless the disclosure of such information would jeopardize the ongoing investigation.
 - b. All officers who are the subject of an internal investigation, may at their option, be accompanied to the administrative interview by an immediately available observer of the officer's choice. The
-

observer chosen must be able to attend the interview within a reasonable period of time. No interview will be conducted unless the requested observer is present. During the interview, however, the observer may only act as a witness to the proceedings. The observer may be excluded if his/her behavior becomes disruptive to the interview. This section is intended to apply to investigations initiated by the Internal Affairs Division or any formal investigation initiated by an officer's supervisor. It is not intended to interfere with normal inquiries and counseling sessions conducted by an officer's supervisors.

1. Any witness to the alleged offense or violation will not be permitted to act as an observer for the officer under investigation.
 2. If a Denver police officer is selected and agrees to act as an observer, he/she will not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information of a NON-CRIMINAL nature received from the officer under investigation. Information regarding criminal acts is not privileged and must be disclosed by a police officer acting as an observer.
- c. Any officer contacted by the Internal Affairs Division with regard to providing a statement or other information will be advised, prior to the interview, as to his or her status with reference to the matter under investigation, that is, whether or not the officer is being questioned as a witness or as the subject or possible subject of an internal investigation.
 - d. An officer called for a subsequent internal investigation interview will be afforded the opportunity to review all of his/her prior statements, whether written, sound or video recorded, prior to being asked any further questions.
 - e. Internal investigation interview sessions will be conducted for reasonable periods, and will be timed to allow for such personal necessities and rest periods as are reasonably necessary. At a minimum, at the officer's request, there will be one (1) five-minute (5) break in each hour of interview. The times of all such breaks, as well as the beginning and ending times of the interview, will be noted in the reports/recordings of the interview.
 - f. Whenever an officer is interviewed pursuant to an internal investigation, the interview documents, including written reports and/or sound or video recordings, will contain the names of all persons present during the course of the interview and the date, time, and times of the breaks during the course of the interview will also be included:
 1. Upon request, the officer interviewed will receive a copy of his/her statements.
 2. An officer will be allowed to sound record the interview, provided that the Internal Affairs Division is permitted to make a copy of the recording.
 - g. Unless immediate action is required, the internal investigation interview will be conducted at a reasonable hour, preferably during the officer's normal work shift.
 - h. All internal investigation interviews will be conducted in a private setting, if at all possible.
 - i. All investigations conducted by the Internal Affairs Division should, if possible, be performed by an officer of the next rank higher than that person being investigated. Ideally, all investigating officers should have investigative experience or skills and prior supervisory experience.
 - j. Officers under investigation by the Internal Affairs Division will not be compelled to submit to a polygraph. An officer under investigation may, of his/her own volition, request to undergo a polygraph examination. If a polygraph is to be conducted at the officer's request, prior approval by the Chief of Police will be required.
 - k. Prior to an officer being questioned regarding any incident that could result in departmental violations or criminal charges, the person conducting the internal investigation interview will make a decision to give the officer either the Miranda warning, when law violations are suspected, or the administrative advisement pursuant to internal investigation. If during questioning under the
-

administrative advisement pursuant to internal investigation it is suspected that the officer may be involved in a law violation, the interviewer will cease questioning and give the Miranda warning.

- I. No officer being interviewed will be subjected to offensive language or threatened in any manner, either physically or psychologically, except that an officer refusing to respond to questions will be informed that failure to answer questions directly related to the investigation may result in disciplinary action.

(7) PERSONNEL FILES:

By appointment, all officers may review the contents of their personnel file. Officers have the ultimate responsibility for ensuring that their files are complete, current, and accurate in terms of personal information and commendations. Officers should review their files on an annual basis, at minimum, to verify the contents.

117.02 ASSIGNMENT OF OFFICERS

No on-duty or off-duty assignment of officers will be made on the basis of an officer's actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation. This policy will in no way limit the department from assigning to work at an event any officer who volunteers to do so.

117.03 POLITICAL ACTIVITIES – LAWS AND RULES AND REGULATIONS

- (1) Prior to engaging in political activities, officers will ascertain that such activities are legally permissible, in compliance with departmental rules and regulations and the secondary employment procedure, and are compatible with their position and duties as police officers.
 - a. The laws affecting political activities by Denver police officers include:
 - Title 5, Chapter 15 United States Code (The Hatch Act);
 - Denver City Charter Sections 1.2.8, 1.2.9, 1.2.10, 1.2.12; and
 - Denver Revised Municipal Code (DRMC) sections 2-52 (definitions), 2-53 (board of ethics), 2-54 (advisory opinions and waivers), 2-60 (gifts to officers, officials, and employees), and 2-61 (conflicts of interest while employed).
 - b. Excerpt from DRMC 2-61(g):

“No officer, employee or official may have any other employment or position which is incompatible with his or her duties or that adversely affect the interests of the city.”
 - c. Excerpt from DRMC 2-54(d):

“A person whose conduct is in accordance with an advisory opinion or a published unreversed advisory opinion of the board of ethics shall not be found in violation of any of the provisions of this article.”
 - d. Except for the exercise of such fundamental rights as voting, attending political meetings and membership in political clubs and organizations, officers are advised to obtain an advisory opinion from the Denver Board of Ethics prior to engaging in political activity.
 - e. Questions arising as to whether certain political activities are prohibited by the Federal Hatch Act may be submitted to the U.S. Merit Systems Protection Board for an advisory opinion. The United States Civil Service Commission has ruled:

“An officer or employee of a State or local agency is subject to the Act if, as a normal foreseeable incident to his/her principal position or job, he/she performs duties in connection with an activity financed in whole or in part by Federal loans or Grants; otherwise, he/she is not.” [Applied: IN RE BALDASSARO, 2 POLITICAL ACTIVITY REPORTER 708 (1963)]

- f. Officers will familiarize themselves with Rule and Regulations 702 through 704 prior to engaging in political activities.

117.04 COLLECTIVE BARGAINING AGREEMENT GRIEVANCES

Any grievance filed under the collective bargaining agreement between the City and County of Denver and the Denver Police Protective Association will follow the procedure outlined in the collective bargaining agreement in force at the time.

- The central repository for storage of any grievances at the conclusion of Step 2 under article 30.4 of the Collective Bargaining Agreement will be the Civil Liability Section within the Denver Police Department.

117.05 DEPARTMENT OF SAFETY EEO POLICY (SWORN AND CIVILIAN)

(1) POLICY AND DECLARATION:

It is the policy of the Department of Safety that its employees (both Career Service and sworn), contract employees, temporary workers, and applicants for employment have a right to be free of discrimination, harassment, and retaliation based upon actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation.

(2) CONDUCT PROHIBITED:

Examples of conduct that could violate this policy include, but are not limited to:

- a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
- b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- c. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at a person because of a protected basis;
- d. Threats or demands to submit to sexual requests in order to keep a job or avoid some other negative consequence, and offers of job benefits in return for sexual favors;
- e. Basing an employment decision (such as hiring, promotion, discipline, pay increase, job assignment, or termination) on any of the protected categories identified above; and
- f. Retaliation for good faith reporting, opposing, or otherwise participating in a complaint or investigation process concerning potential violations of this policy.

(3) NOTIFICATION OF OFFENSIVE BEHAVIOR:

Individuals who believe they are being subjected to prohibited discrimination or harassment are strongly urged to make it clear to the offending employee that such behavior is offensive and should be discontinued unless the individual experiencing the alleged misconduct is uncomfortable communicating that to the offending employee.

(4) REPORTING PROCEDURES:

- a. All Department of Safety employees are required to promptly report potential violations of this policy so that appropriate actions may be taken, subject to the confidentiality requirements of agency peer support programs. Potential violations should be reported to any of the following:
 - 1. Any supervisor in the reporting employee's or offending employee's agency or work unit, inside or outside the chain of command;
 - 2. The Internal Affairs Division for the reporting employee's or offending employee's agency (available twenty-four hours per day, seven days per week);

3. The Safety Human Resources Division for the reporting employee's or offending employee's agency;
 4. The Executive Director of Safety's EEO Coordinator; and/or
 5. The Career Service Employee Relations Unit.
- b. Nothing in this policy precludes an employee or applicant from contacting or filing a charge of discrimination or claim with an external agency such as the Equal Employment Opportunity Commission or the Colorado Civil Rights Division. Consultation with a peer support or employee group representative will not constitute reporting of a potential policy violation, nor will it be considered legal knowledge or notice to the city or Department of Safety.
- c. A report or complaint of discrimination, harassment, and/or retaliation may be made verbally or in writing. Anonymous reports/complaints will also be accepted and evaluated for further investigation. Any person reporting a potential violation of this policy or otherwise participating in the complaint or investigation process should understand that confidentiality will be maintained to the extent possible but that absolute confidentiality and anonymity cannot be guaranteed.

(5) MANDATORY ACTION:

Supervisors and managers who become aware, by any formal or informal means, of possible discrimination, harassment, or retaliation must take prompt, reasonable actions to stop the prohibited behavior. Additionally, supervisors and managers must promptly report any information concerning the possible prohibited behavior to the Executive Director of Safety's EEO Coordinator and their agency head. Supervisors or managers who serve as employee group representatives or peer support officers are subject to applicable confidentiality agreements and notice to such individuals while acting in their peer support capacity will not constitute reporting or notice to the agency, Department of Safety, or city.

(6) ZERO TOLERANCE:

The Department of Safety maintains "zero tolerance" regarding violations of this policy, meaning the department will not knowingly tolerate acts of discrimination, harassment, or retaliation.

- a. Allegations about potential violations of this policy will be taken seriously and the department will promptly undertake reasonable steps to address all allegations of discrimination, harassment, or retaliation. If an investigation is deemed necessary, it will be conducted promptly, thoroughly, and impartially.
- b. Appropriate actions may include, but are not limited to, discipline (up to and including termination), training, mediation, or other effective remedial action commensurate with the severity of the offense and any such actions will occur as soon as practicable for even a single violation of the policy.

(7) RETALIATION IS STRICTLY PROHIBITED AGAINST EMPLOYEES WHO HAVE IN GOOD FAITH:

- a. Opposed conduct that potentially violates this policy, including but not limited to making a complaint or protest on behalf of another individual;
- b. Reported conduct that the employee experienced or observed and reasonably believes to constitute a potential violation of this policy; or
- c. Assisted or participated in an investigation, claim, lawsuit, or hearing concerning a complaint of discrimination, harassment, or retaliation. This includes but is not limited to making a report or complaint, or providing a witness interview during an investigation.

(8) RETALIATION DEFINED AS:

Retaliation is conduct taken against an employee or applicant because the employee or applicant has engaged in any of the above listed protected activities.

- a. Retaliation can include but is not limited to such acts as disciplining an employee, giving an employee a negative performance evaluation, refusing to recommend an individual for a benefit
-

- for which he or she qualifies, giving an employee a less desirable job assignment, spreading rumors about an individual, encouraging hostility from coworkers, and escalating harassment.
- b. Any department of safety employee engaging in or encouraging retaliation may be subject to appropriate actions, including but not limited to discipline (up to and including termination), mediation, or training, even for a single offense.

117.06 PROTECTED INFORMATION (SWORN AND CIVILIAN)

(1) RETALIATION PROHIBITED:

It is the policy of the Denver Police Department to encourage the disclosure of information regarding the violation of any rules, regulations, or laws by any city employee. No employee of the Denver Police Department will retaliate in any manner against another employee or civilian witness for disclosure of such information to a police investigator, city official, governmental agency, chief's hearing, use of force review board, tactics review board, Denver Office of the Independent Monitor, citizen oversight board, Denver Executive Director of Safety EEO Coordinator, Denver Career Service Board, any Denver Career Service Board hearing officer, the employee's appointing authority, Denver Civil Service Commission, and Denver Civil Service Commission hearing officer, or the Denver City Board of Ethics. No employee of the department will intimidate or attempt to deter another employee or civilian witness from disclosing such information. All such disclosures must be made in good faith and with reasonable cause to believe in the truthfulness of the information disclosed.

(2) PROHIBITED CONDUCT:

Any conduct in violation of this policy is prohibited and will subject the employee to appropriate discipline.

(3) INFORMATION DISCLOSURE:

Any disclosure of information made in bad faith, or without reasonable regard for the truthfulness of the information disclosed, or in violation of a prohibition recognized by law, rule, or regulation, may subject the employee making the disclosure to appropriate discipline.

117.07 INVESTIGATION GUIDELINES (SWORN AND CIVILIAN)

(1) PROCEDURES – SWORN OFFICERS AND SWORN/CS EMPLOYEE COMBINATION:

If the subject of an investigation is a sworn officer or if subjects of the same complaint/investigation are a combination of sworn officers and civilian employees:

- a. All allegations of a violation of law or department policy will be thoroughly investigated by the Internal Affairs Division (IAD) in accordance with section 503.01. Disciplinary actions for civilian employees are handled by the Safety Human Resources Division.
- b. All allegations against sworn officers of discrimination, harassment, or retaliation based on a category protected by law or department policy will be thoroughly investigated by the Internal Affairs Division and the Executive Director of Safety's EEO Coordinator.
- c. The Commander of IAD must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.
- d. All complaints of discrimination, harassment, or retaliation will be given an IAD case number.

(2) PROCEDURES – CS EMPLOYEES:

If the subject(s) of an investigation is/are solely civilian employee(s):

- a. All allegations of a violation of law will be thoroughly investigated by the Internal Affairs Division. Disciplinary actions for civilian employees are handled by the Safety Human Resources Division.
-

- b. All allegations of a violation of department policy will be thoroughly investigated by the subject employee's supervisory chain of command and the Safety Human Resources Management Division. The Internal Affairs Division may provide assistance upon request.
- c. All allegations against civilian employees of discrimination, harassment, or retaliation based on a category protected by law or department policy will be thoroughly investigated by the Executive Director of Safety's EEO Coordinator.
- d. The Executive Director of Safety's EEO Coordinator must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.
- e. All complaints of discrimination, harassment, or retaliation will be given an EEO Coordinator case number.

(3) GENERAL PROCEDURES:

- a. Anonymous complaints will be evaluated by the commander of IAD and the Executive Director of Safety's EEO Coordinator (if alleging discrimination, harassment, or retaliation) to determine the appropriate course of action.
- b. The complainant will be notified at the onset, periodically during (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.
- c. The subject officer or employee will be notified at the onset, periodically during (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.
- d. The complainant will be advised in writing by the department of the final disposition of the case.

117.08 COMPLAINT OR APPEAL FILED BY CIVILIAN EMPLOYEES

(1) GENERAL PROCEDURES:

Civilian employees who have attained career status may refer to Career Service Rules 15 and 19 for procedures concerning the filing of complaints and appeals through Career Service.

- Civilian employees who have not attained career status may refer to Career Service Rule 15 for the applicable provisions concerning the filing of complaints.

(2) HARASSMENT, DISCRIMINATION OR RETALIATION:

Civilian employees may refer to OMS 117.05(4) or Career Service Rule 15-103 for procedures in filing complaints of harassment, discrimination, or retaliation.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



118.00 BIASED POLICING AND CRIMINAL INTELLIGENCE INFORMATION

REVISED: 02/26/2019

PAGE: 1 OF 12

118.01 POLICY STATEMENT

- (1) The City and County of Denver has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions.
- (2) The Denver Police Department respects and values public safety intelligence gathering as an indispensable part of law enforcement and of national security. However, such information must be regularly and rigorously examined to ensure compliance with OMS 118.03 and state and federal constitutional and statutory provisions. No information on any individual, group, or organization will be entered into the criminal intelligence database solely because of their political views, religion, social views, associations, or expressive activities.

118.02 BIASED POLICING

(1) **PURPOSE:**

- a. To reaffirm the Denver Police Department's commitment to unbiased policing;
- b. To reinforce procedures that serve to maintain public confidence by providing services and enforcing laws in a fair and equitable manner; and
- c. To remind officers of "probable cause" and "reasonable suspicion" criteria.

(2) **DEFINITIONS:**

Biased Policing: The practice of singling out or treating differently any person based solely on any of the following: race, ethnicity, national origin, age, religion, gender, gender identity, or sexual orientation.

Investigatory Stop – Police Initiated [see CRS §16-3-103(1)]: A peace officer may stop any person who the officer reasonably suspects is committing, has committed, or is about to commit a crime, and may require the person to show identification if available. Officers have the right to ask the following:

- Name
- Address
- If the person is driving a motor vehicle, officers may ask for:
 - Driver license
 - Vehicle registration
 - Proof of insurance

An explanation of the subject's actions (i.e., where they are coming from or going to). The person does not have to reply, but refusal to provide identification is grounds for charging DRMC 38-81 (c) Interference with police authority. The stopping itself will not constitute an arrest.

A peace officer will not require any person who is stopped pursuant to this section to produce or divulge such person's social security number.

At the conclusion of an investigatory stop, the officer must arrest the person (with probable cause) or tell the person that he/she is free to leave and allow them to do so. With the person's consent, officers may still question them.

Investigatory Stop – Searching for Weapons/Frisk [see CRS §16-3-103 (2)]: When a peace officer has stopped a person for questioning (investigatory stop) and reasonably suspects that his/her personal safety requires it, he/she may conduct a limited search, or "FRISK" by patting down the outer clothing for weapons.

If a FRISK reveals what feels like a weapon, he/she may search for and remove it from the clothing. Upon removal of the item, the officer may seize it if it is determined to be:

- A weapon
- Contraband (Possession of any illegal item)
- Stolen goods

If the FRISK reveals an illegal weapon or illegally concealed weapon, the officer will have cause to arrest and make a full search of the person and the immediate area within the person's reach.

Lawful items temporarily seized for safety reasons during the limited search for weapons will be returned to the person, or in the event of arrest/custody or ongoing investigation, will be placed in the Property Management Section.

Probable Cause: An officer reasonably believes that a crime has been or is being committed. The belief is reasonable when it rests on an objective, substantial basis as contrasted with a mere subjective suspicion.

Reasonable Suspicion of Criminal Activity: Reasonable suspicion is present when sufficient facts are established to give a trained law enforcement officer a particularized and objective basis to believe that there is a reasonable possibility that an individual is involved in a definable criminal enterprise or activity. In determining whether "reasonable suspicion" is present, a law enforcement officer may consider, within the totality of circumstances, the fact that the individual has been involved in serious criminal activity or conduct in the past. Past criminal activity, without more, will not be sufficient to satisfy the reasonable suspicion requirement.

(3) **POLICY:**

- a. The philosophy and practice of the Denver Police Department is to encourage public trust and confidence. Though other relevant factors in combination with race may be appropriate as a means of identifying persons involved in violations or criminal acts, the department's policy is to ensure that race and any prohibited factors are not solely used as the basis for discretionary investigatory stops. In accordance with this policy, the completion of a data card by officers is required when initiating investigatory stops. Relevant data from these police/citizen contacts will be captured and retained for future analysis.
- b. The policy of the Denver Police Department is to respect every person's:
 1. Right to equal protection under the law;
 2. Right not to be deprived of life, liberty, or property without due process of law; and
 3. Right to free speech and freedom of association under the First Amendment of the United States Constitution.
- c. It is also the policy of the Denver Police Department that, as required by the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution, all of the following police-initiated actions must be based on a standard of reasonable suspicion or probable cause to believe that a crime has been committed or is about to be committed by the person who is the subject of the detention or stop:
 1. All investigative stops, traffic stops and arrests; and
 2. All searches (absent consent or a search warrant) of persons and/or property.

In order for officers to support a determination of probable cause or reasonable suspicion for an arrest, investigatory stop or traffic stop, officers must be able to articulate specific facts, circumstances and conclusions that justify the arrest or stop. Officers are required to consider whether the particular suspect could reasonably have been involved in the suspected crime.

Furthermore, officers will not make routine or spontaneous law enforcement decisions (e.g., *ordinary traffic stops, pedestrian stops, other stops or detentions, or decisions to request consent*

to conduct searches) based upon to any degree a person's race, ethnicity, national origin, immigration status, age, religion, gender, gender identity, or sexual orientation unless these characteristics, traits, attributes, or statuses are contained in suspect descriptions that have been provided to officers. Profiling or discriminating on the basis of these characteristics, traits, attributes, or statuses is prohibited.

In taking police actions, officers may never rely on generalized stereotypes but may rely only on specific characteristic-based information. In other words, officers may take into account a specific suspect's reported characteristics, traits, attributes, or statuses listed above in the same way they would use specific information regarding height, weight, etc., about specific suspects.

- d. Traffic enforcement and pedestrian contacts are routinely performed by officers. For the motorist or pedestrian who is stopped, this exchange occurs with less frequency and is often perceived as an emotionally upsetting experience. Officers should be aware of this and should strive to make each contact educational, while performing the necessary task in a fair, professional and friendly manner. In doing so, the contacted individual is hopefully left with a clear understanding of why the officer made contact and a better understanding of law enforcement practices.
- e. For information regarding immigration enforcement policy as it relates to the Denver Police Department, see DRMC 28-250, 28-251, 28-252, 28-253 (Public Safety Enforcement Priorities ACT).

(4) STOP DATA COLLECTION:

Officers will collect stop data on all police-initiated (class 2) actions from any routine patrol or personal initiative that results in a detention or stop. Data will be collected on such investigatory stops to examine the issue of biased policing and to improve community-police relationships.

- a. Required stop data collection:
 - 1. Persons on foot: all persons not free to leave at any point of the contact.
 - 2. Traffic contacts: vehicle driver/operator only.
 - b. The officer responsible for the decision to stop and/or search is required to complete and submit the stop data information at the earliest opportunity following completion of the detention or stop.
 - 1. When internet access is not available, officers will complete a paper version of the data entry template. Upon gaining internet access, officers will at the earliest opportunity transcribe stop data from the paper form and submit it using the electronic template.
 - c. All stop data fields must be answered from the perspective of the officer who was responsible for the decision of the stop and/or search.
 - 1. Most stop data fields are formatted with dropdown options. Officers will select the most appropriate selection based on their perception prior to the stop and not from information learned during the contact (e.g., race/ethnicity or age).
 - 2. The Reason for Contact is a mandatory narrative open-text field. The narrative field should articulate all the facts and/or information relied upon to conclude that there was reasonable suspicion that the person stopped had committed, was committing, or was about to commit a crime.
 - 3. When officers select "other" as the reason for a pat-down or search, they will provide details within the narrative.
 - d. Class 1 actions, where an officer is directed to an activity or when consensual/casual contacts occur, do not require the completion of the stop data information.
 - e. Data collection will be retained in accordance with GRRS 100.080 U (General Records Retention Schedule). Stops not resulting in charges (including traffic, misdemeanors, and felonies) will be retained for five (5) years. Stops resulting in charges will be in accordance with the specific violation or crime type as specified in GRRS 100.080 U.
-

(5) VIOLATIONS:

Failure to complete data collection as required by this policy will result in the following discipline and actions:

- a. First violation in a 12-month period: Oral reprimand, and:
 1. Mandated officer review of entire biased policing policy,
 2. Follow up meeting with supervisor to discuss key points,
 3. Journal entry.
- b. Breaches of the data collection requirements of this policy prior to the date of occurrence of the first violation will not be counted as additional violations.
- c. Second violation in a 12-month period: Written reprimand
- d. Concurrent with the second violation, an in-depth audit of the officer's contacts will be conducted and documented by the Performance Development Unit and will generate a formal Personnel Assessment System (PAS) review. If the audit identifies other potential violations, it may result in an additional investigation, discipline, and/or corrective training.
- e. Third Violation in a 12-month period: 1 fined day
- f. Purposeful, flagrant, or repeated violations will result in more severe disciplinary action. At any time during review, if deemed necessary, violations can be removed from the scheduled discipline above and transitioned to a formal investigation governed by the discipline matrix.

(6) BUSINESS CARDS:

- a. Officers will provide, without being asked, a business card to any person whom the officer has detained in a traffic stop (prior to the completion of the detainment or stop), if that person was not issued a traffic summons, written courtesy traffic warning, or arrested (order-in or custodial).
- b. When a reasonable request is made for an officer's name, badge number, or assignment, the officer will provide a business card or the information in writing to any violator or person, unless such action is likely to jeopardize the successful completion of a police assignment.
- c. By statute, the business card must contain the officer's name, badge number, assignment, and the following information:

Positive Comments or Complaints – (720) 913-6665
- d. The department will provide officers with personalized business cards containing the required information, however, should the officer not have a business card in their possession, he/she is to legibly write the aforementioned information on a piece of paper, which will be given to the individual when required by policy. Business cards printed at the officer's personal expense must contain the information required by statute.

118.03 CRIMINAL INTELLIGENCE INFORMATION

(1) PURPOSE:

To establish internal controls and proper oversight for the collection, retention, dissemination, and disposition of criminal intelligence in conformance with the privacy interests and constitutional rights of individuals, groups, associations or other legal entities.

(2) APPLICABILITY:

This section applies to all Denver Police Department criminal intelligence systems, whether or not they are funded as part of any multi-jurisdictional systems, programs or grants.

The policies and procedures contained in this section are in compliance with all guidelines enumerated in 28 Code of Federal Regulations Part 23, Criminal Intelligence Systems Policies. There are additional provisions, some of which are more restrictive, but none that are in conflict with the federal guidelines.

The Denver Police Department will not include, in any criminal intelligence file, information which has been obtained in violation of any applicable Federal, State, local law, or ordinance, the policies of the Denver Police Department, or this section.

Systems that are specifically excluded from the requirements of this section and 28 Code of Federal Regulations Part 23 are:

- Criminal history files
- Street Checks
- Mug shot systems
- Offense and accident report systems
- Criminal investigatory case files

(3) POLICY:

The collection, retention, dissemination, and disposition of criminal intelligence are some of the essential functions of law enforcement public service. All department employees will adhere to guidelines established in this section to ensure the security, confidentiality, and proper maintenance and dissemination of criminal intelligence. Criminal intelligence information will not be collected or retained except as specified in this section.

This policy is based on the careful review and consideration of:

- The guidelines identified in Title 28 Code of Federal Regulations Part 23 - Criminal Intelligence Systems Operating Policies, with policy clarifications provided by the Dept. of Justice - Bureau of Justice Assistance, Office of Justice Programs, and Office of General Counsel.
- The Law Enforcement Intelligence Unit's (LEIU) Criminal Intelligence File Guidelines.

(4) GOALS:

- a. Provide liaison, coordination, and resource assistance in the collection, storage, exchange or dissemination, and analysis of criminal intelligence information in ongoing investigations or prosecution of serious criminal activity.
- b. Provide criminal intelligence information to law enforcement and criminal justice agency personnel on individuals and organizations involved with criminal organizations and enterprises.
- c. Provide analysis of organized crime and criminal enterprises in Colorado. This includes identification and/or projection of major changes in crime trends.

(5) DEFINITIONS:

Intelligence Personnel:

- Intelligence Unit Commanding Officer – lieutenant assigned to the Intelligence Section. The commanding officer is responsible for an annual review of this policy.
- Intelligence Unit Supervisor – Sergeant assigned to the Intelligence Unit within the Intelligence Section.
- Intelligence Unit Detective / Officers – Personnel assigned to the Intelligence Unit either on a permanent or temporary basis
- Intelligence Unit Analyst

Criminal Intelligence: Data that has been processed (collected, evaluated, collated and analyzed), and is to be used in connection with and in furtherance of law enforcement investigative purposes. Intelligence involves data collection from both overt (i.e., information available to the general public) and covert sources. It may include general threat information not necessarily directed at a specific arrest or prosecution. Criminal intelligence data also includes information collected through undercover operations and through photographic, electronic, or other media. All criminal intelligence data will be collected and maintained in a manner consistent with this policy.

Criminal intelligence includes information that relates to an individual, organization, business, or group

reasonably suspected of being involved in the actual or attempted planning, organizing, financing, or committing of one or more of the following criminal acts:

- Narcotic trafficking/manufacturing
- Unlawful gambling
- Loan sharking
- Extortion
- Vice and illegal pornography
- Infiltration of legitimate business for illegitimate purposes
- Stolen securities
- Bribery
- Major crimes including homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing stolen property, and arson
- Manufacturing, use, or possession of explosive devices for illegal purposes
- Threats of violence, or acts of violence against or in connection with, persons or property
- Rioting/engaging to riot, as those terms are defined in CRS §18-9-101(2), CRS §18-9-102, and CRS §18-9-104
- Computer crimes
- Counterfeiting
- Identity theft
- International and/or domestic terrorism, which, for purposes of this section, will be defined as acts dangerous to human life that are a violation of the criminal law and that are intended to influence the policy of a government by intimidation or coercion.
- Any other criminal offense not listed above which is not directly related to purely expressive behavior and is consistent with the purpose and intent of this policy.

Criminal Intelligence Files: Criminal intelligence information that has been collected, processed, retained in a criminal intelligence information file, and that may be shared within the law enforcement community. Criminal intelligence files include information regarding:

Individuals who:

- Are reasonably suspected of being involved in the planning, organizing, financing, or commission of criminal activity, as identified above, or
- Are reasonably suspected of being involved in criminal activities with known or suspected criminal organizations

Organizations, businesses, and groups that:

- Are reasonably suspected of being involved in planning, organizing, financing, or commission of criminal activity, as identified above;
- Are reasonably suspected of being illegally operated, controlled, financed, or infiltrated by known or suspected criminal organizations, or
- Use illegal activities and/or enterprises as a principal means to obtain resources, support for their existence, or further their organizational goals

Criminal Organization: As used in this section, consists of a group of individuals associated together in fact for a common purpose of engaging in a course of criminal conduct or activity, as identified above.

Non-Criminal Identifying Information (NCI): The names of individuals, organizations, groups, or businesses that are not suspected of criminal involvement, but whose identification is relevant to a criminal investigation. Examples of NCI would be:

- A member of a gang (known for narcotics trafficking) is arrested for narcotics violations while driving a car registered to his father (who is not suspected of involvement in the gang or narcotic activity). The name of the gang member and the name of the gang may be entered in the database. The father
-

can only be entered as “non-criminal identifying information” relevant to the criminal suspect and must be clearly labeled as such.

- Surveillance on a criminal suspect shows the individual entering a place of business that is not suspected of criminal activity. The business can only be entered as “non-criminal identifying information” relevant to the criminal suspect and must be clearly labeled as such.

“Purge:” As used in this section, means the complete destruction of a physical file and the permanent deletion from any Intelligence Unit computer files, systems, or databases.

Reasonable Suspicion of Criminal Activity: Reasonable suspicion is present when sufficient facts are established to give a trained law enforcement officer or criminal investigative agency, officer, investigator, or employee, a particularized and objective basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal enterprise or activity, as identified above. The Intelligence Unit is responsible for establishing the existence of reasonable suspicion of criminal activity through the examination of supporting information submitted, which is subject to routine inspection and audit procedures established by the department. In determining whether “reasonable suspicion” is present, a law enforcement officer or criminal investigator may consider, within the totality of circumstances, the fact that the individual or organization has been involved in serious criminal activity or conduct in the past. Past criminal activity, without more, will not be sufficient to satisfy the reasonable suspicion requirement. If “reasonable suspicion” is based, in whole or in part, on information obtained through electronic, video, or audio means, that fact and the existence of such information will be noted in the criminal intelligence file.

Need to Know: The requested information is pertinent and necessary to the requesting agency in initiating, furthering or completing the performance of law enforcement activity.

Right to know: The requestor is acting in an official capacity and has statutory authority to obtain the information being sought.

(6) PROCEDURES FOR MANAGING CRIMINAL INTELLIGENCE FILES:

a. Supervision of Data Entry

All criminal intelligence data will be reviewed by an Intelligence Unit supervisor or commanding officer prior to entry into any criminal intelligence file. The supervisor or commanding officer will determine that the criminal intelligence data conforms to these policies and was not obtained in violation of any applicable Federal, State, local law, or ordinance, department policies, or this section. Criminal intelligence data will not be placed in any criminal intelligence file unless approved by an Intelligence Unit supervisor or commanding officer. The badge number of the approving supervisor or commanding officer will become part of the file.

b. Information Submission Criteria

1. The department will only collect or maintain criminal intelligence information concerning an individual or organization if there is reasonable suspicion that the individual or organization is involved in criminal conduct or activity, and the information is relevant to that criminal conduct or activity. The existence of reasonable suspicion will be based on specific, articulable facts that will be documented in the criminal intelligence file.
2. The department will not collect or maintain information about the political, religious, social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization, unless such information directly relates to criminal conduct or activity and there is a reasonable suspicion that the subject of the information is or may be involved in that criminal conduct or activity.
3. Non-Criminal Identifying Information (NCI) - Under the following circumstances, the names of individuals, organizations, groups or businesses that are not suspected of criminal involvement, but that provide relevant descriptive, identifying information regarding the criminal suspect, may be entered as “Non-Criminal Identifying Information.”

A non-criminal identifying label should state: *"This individual or organization has been entered into the system for identification purposes only -- he, she or it is not suspected of any criminal activity or involvement."* This label will act as a disclaimer of criminal association and will not be used to meet reasonable suspicion requirements to create a file or record for that individual or organization.

- c. Excluded Material - Only lawfully collected information based on a reasonable suspicion of criminal activity and that meets the department's criteria for file input should be stored in the criminal intelligence file. Information specifically excluded from criminal intelligence files includes information on an Individual or group merely on the basis:
 - 1. That such individual or group support unpopular causes
 - 2. Of race, gender, age, or ethnic background
 - 3. Of religious or political affiliations, or beliefs
 - 4. Of personal habits and/or predilections that do not break any criminal laws or threaten the safety of others
 - 5. Of involvement in expressive activity that takes the form of non violent civil disobedience that amounts to, at most, a misdemeanor offense
 - d. File Criteria - All information retained in the criminal intelligence file will meet the criteria prescribed by the department. There are two types of intelligence records: Permanent and Temporary files.
 - 1. Permanent Intelligence Files – Criminal Information may be retained in the permanent intelligence files for up to five (5) years. At that time, criminal information will be automatically purged unless new criminal intelligence has been developed establishing reasonable suspicion that the individual and/or organization continues to be involved in a definable criminal activity or enterprise. When updated criminal intelligence is added into the permanent files on a suspect individual or organization already listed in the database, such entries reset the five year standard for retention of that file. Permanent intelligence files must be periodically reviewed for compliance with this policy consistent with review and purge procedures, identified below.
 - 2. Temporary Intelligence Files - Criminal Information may also be entered into temporary criminal intelligence files when there is reasonable suspicion of criminal activity, but that finding is based, in part, upon "unreliable" or "unknown" sources, or where the content validity of the information is "doubtful" or "cannot be judged." All temporary intelligence files will be specifically designated as such and must be reviewed by a supervisor every sixty (60) days for validity. This interim review must be documented in the temporary intelligence file. Temporary intelligence files will be retained no longer than one year. At that time, temporary files must be either purged or converted into permanent intelligence files. All temporary intelligence files will be kept electronically separate from the general database. All temporary hard copy intelligence files will also be physically separated from the permanent files.
 - 3. Working Files – Intelligence Unit detectives may create a working file for information received that has not yet met the reasonable suspicion requirement and/or is either ambiguous or incomplete, or may have been obtained from unknown sources (e.g., anonymous tips), or the content validity of which cannot be judged. A working file will be opened for up to thirty (30) days to either develop reasonable suspicion or unfound the information. One thirty (30) day extension may be granted by the Intelligence Unit supervisor in extenuating circumstances. This information will not be stored in the Intelligence database until it has met the reasonable suspicion requirement. If it does not meet this requirement, it will be purged immediately.
-

e. Information Classification

Information to be retained in the files of the department must be labeled for source reliability and content validity prior to entry or submission. Circulating information that has not been evaluated, where the source reliability is poor or the content validity is doubtful, is detrimental to the department's operations and is contrary to the individual's right to privacy. The classification of criminal intelligence information is subject to continual change, the passage of time, the conclusion of investigations, and other factors that may affect the security classification or dissemination criteria assigned to particular documents.

Documents within the intelligence files should be reviewed on an ongoing basis to ascertain whether a higher degree or lesser degree of document security is required and to ensure that information is released only when and if appropriate.

1. Source Reliability – The reliability of the source is an index of the consistency of the information the source provides and will be evaluated according to the following:
 - RELIABLE – The reliability of the source is unquestioned or has been tested in the past
 - USUALLY RELIABLE – The reliability of the source can usually be relied upon. The majority of the information provided in the past has proved to be reliable
 - UNRELIABLE – The reliability of the sources has been sporadic in the past
 - UNKNOWN – The reliability of the source cannot be judged; either experience or investigation has not yet determined authenticity or trustworthiness
2. Content Validity – The validity of information is an index of the accuracy or truthfulness of the information and will be assessed as follows:
 - CONFIRMED – The information has been corroborated by an investigating officer or another reliable independent source
 - PROBABLE – The information is consistent with past accounts
 - DOUBTFUL – The information is inconsistent with past accounts
 - CANNOT BE JUDGED – The information cannot be judged. Its authenticity has not yet been determined by either experience or investigation
3. Sensitivity – The sensitivity of the information will be classified according to the following standards:
 - COMMAND – Information that requires the strictest of dissemination and release criteria, such as corruption.
 - SENSITIVE – Information, including, but not limited to; active police investigations, informant identification information, corruption, and those reports which require strict dissemination and release criteria
 - LAW ENFORCEMENT SENSITIVE – Information obtained through intelligence channels, is not classified as sensitive and is for law enforcement use only. Restricted information may include previously classified sensitive information for which the need for a high level of security no longer exists
 - PUBLIC – Information that is approved for public dissemination. This includes arrest/criminal record information and other information contained in records of official actions

(7) INFORMATION DISSEMINATION:

- a. Intelligence Unit officers will disseminate criminal intelligence information only where there is a **need to know** and a **right to know** the information in the performance of a law enforcement activity.
 1. Except as noted in paragraph (2) of this section, officers will disseminate criminal

- intelligence information only to law enforcement authorities who agree to follow procedures regarding information receipt, maintenance, security, and dissemination that are consistent with these principles.
2. Paragraph (1) of this section will not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary to avoid imminent danger to life or property.
- b. Criminal intelligence information may only be shared with other law enforcement agencies with the express written approval of the Intelligence Unit commanding officer. The release of this information will be based on a need to know and/or right to know basis, and only to agencies whose Intelligence Systems are 28CFR Part 23 Compliant. The facts establishing the requestor's need to know and right to know will be documented in the criminal intelligence file. The agency and/or officer requesting the information, the supervisor or command officer approving the sharing, the law enforcement purpose for the request, the date of the request, and the date of the provision of the information will all be noted in the file.
1. In maintaining criminal intelligence information, the department will ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to ensure against unauthorized access and against intentional or unintentional damage. A record indicating who has been given information, the reason for release of the information and the date of each dissemination outside the section will be kept. Information will be labeled to indicate levels of sensitivity, levels of confidence, and the identity of requesting agencies and control officials. The officer releasing information will document in the criminal intelligence file the existence of an inquirer's need to know and right to know the information being requested, either through inquiry or by delegation of this responsibility to a properly trained participating agency, which information release is subject to routine inspection and audit procedures established by the Intelligence Section.
 2. Criminal intelligence information will only be shared with other members of the department on a need to know basis. The officer requesting the information and the justification for the request will be noted in the file.
- c. Intelligence Unit personnel will not release any original intelligence documents. Whenever information from a criminal intelligence file is disclosed, in any form, either orally, in writing, or through inspection of files, the Intelligence Unit must comply with the requirements set forth in section 7(b).
- d. Intelligence Unit information will be released according to the following classification and release authority levels:
1. **COMMAND** – This information may only be released with the permission of the Chief of Police or his/her designee to law enforcement agencies that have a demonstrated need to know and right to know.
 2. **SENSITIVE** - Information in this class may only be released with permission of the Intelligence Unit commanding officer to law enforcement agencies that have a demonstrated right to know and need to know
 3. **LAW ENFORCEMENT SENSITIVE** – Law Enforcement Sensitive information may be released by Intelligence Unit personnel to law enforcement agencies that have a demonstrated right to know and need to know
 4. **PUBLIC** - Any Intelligence Unit personnel may release this information to a Denver Police Department officer or other law enforcement agency. The Executive Director of Safety is the official records custodian and he/she must approve the release of information to the public or media
-

(8) SECURITY OF FILES:

- a. Criminal intelligence files will be physically secured in locked cabinets or in electronic files that are equipped with security protection measures. These files and databases will be secured during off-hours and when the office is vacant.
- b. Key access to the Intelligence Unit will only be granted to assigned unit personnel.
- c. Locks, combinations, and system passwords will be changed upon the transfer of any unit personnel.
- d. Intelligence Unit personnel will adopt a "clean desk" policy to include the removal of sensitive documents from view when not in use. The orientation of computer monitors will be such as to preclude casual observation by visitors and officers assigned to the unit will exercise control when engaging in sensitive conversations.

(9) REVIEW AND PURGE PROCEDURES:

- a. Reviewing and purging of all information that is contained in the department criminal intelligence files and kept under paragraph 6 above will be done on an ongoing basis, but, at a minimum, will be accomplished annually. The dates when reviews occurred will be noted in the criminal intelligence file. The maximum retention period is five years, and a criminal intelligence file must be purged after five (5) years unless the information in that criminal intelligence file has been updated consistent with this section. The department may update the criminal intelligence file and extend the retention period at any time, based on reasonable suspicion of new or continuing criminal activity documented in the criminal intelligence file.
- b. The decision to purge information should be guided by the following considerations:
 1. Whether or not the information in the criminal intelligence file continues to comply with the reasonable suspicion of criminal activity definition
 2. Defined retention periods for permanent and temporary files
 3. Specific credible threats to government officials and/or law enforcement officers
- c. Any information that is found to be collected or retained in violation of this section or found to be inaccurate, misleading, or obsolete, will be purged. Any recipient agencies or department members will be advised of such changes and that the subject information has been purged.

(10) TRAINING:

- a. The Intelligence Unit commanding officer and any bureau, division, district, section, or unit with responsibility to gather criminal intelligence information will ensure that all officers assigned to the bureau, division, district, section or unit have received training regarding this section. Training will be documented in the officer's training records. In addition, these officers will receive annual training regarding this section, to include any recent court decisions and best practices regarding criminal intelligence information.
- b. An outline of the training will be kept on file in the Intelligence Unit and the Training Section.

(12) INDEPENDENT OVERSIGHT:

- a. Implementation of this policy will be subject to an audit by an independent agency. This audit will review data collection, categorization, maintenance, dissemination, and Intelligence Unit practices, as well as training procedures, to verify compliance with established rules and policies.
 - b. The individual who conducts the audit for the independent agency will be familiar with these policies and procedures, and the policies and procedures set forth in paragraph (3) above. The individual who conducts the audit for the independent agency will have access to all Intelligence Unit files and data necessary to perform the audit function, and will be provided with the financial resources necessary to complete the audit and report. The audit will be conducted on a quarterly basis for the first year, on a semi-annual basis for the second and third years, and annually thereafter.
-

- c. The individual who conducts the audit will prepare a written report, which will be provided to the Intelligence Unit commanding officer, the Chief of Police, the Denver City Attorney, and the Office of the Independent Monitor.
- d. The Intelligence Unit commanding officer will prepare a written response to the audit report within ten (10) days of receipt and copies of that response will be provided to the Chief of Police, the Denver City Attorney, and the Office of the Independent Monitor. The Office of the Independent Monitor will have the right to submit to the Mayor its comments regarding the audit report and the Intelligence Unit's response within ten (10) days after receipt of the Intelligence Unit's response.
- e. Any conflict between the findings in the audit report and the response prepared by the Intelligence Unit commanding officer will be resolved by the Mayor.
- f. In the event the audit report determines that a criminal intelligence file was improperly opened in violation of section (6), and that finding is sustained by the Mayor, the Intelligence Unit will notify in writing the subject of that criminal intelligence file that a file was improperly opened and will be purged. Upon request, the subject will be provided with a copy of his/her criminal intelligence file, with necessary redactions to protect the privacy of third-parties and the safety of law enforcement officers.



119.01 HIGH ACTIVITY LOCATION OBSERVATION (HALO)

(1) PURPOSE:

The purpose of this policy is to provide guidance for the Denver Police Department in the responsible and effective use of overt cameras in public areas for safety and security.

The HALO crime prevention and detection strategy includes the use of video surveillance to target public areas of high crime and disorder and those areas where the safety and security of our community is at risk. Justification for camera deployment will be accomplished through a comprehensive assessment of the totality of circumstances that support the use of this limited resource. The needs assessment should include the evaluation of criminal justice records, public information, crime data, officer observations, community input and concerns, and risk assessments.

(2) GENERAL PRINCIPLES:

- a. The Denver Police Department restricts the use of HALO cameras to public places in a manner consistent with privacy rights.
 - b. Except in situations of the investigation of a crime committed by a person(s) whose description is known, HALO camera use must not be based on individual characteristics, or classifications, including race, gender, sexual orientation, national origin, or disability.
 - c. The principle objectives of the HALO project include:
 - Enhancing public safety in areas where the safety and security of our community is at risk;
 - Preventing and deterring crime;
 - Reducing the fear of crime;
 - Identifying criminal activity;
 - Identifying suspects;
 - Gathering evidence;
 - Documenting police actions to safeguard both the community and police officer rights;
 - Reducing the cost and impact of crime to the community; and
 - Improving the allocation and deployment of law enforcement resources.
 - d. HALO camera use will be conducted with accepted legal concepts regarding privacy, and in a professional and ethical manner. Personnel involved in HALO Program use will be appropriately trained and supervised in the use of this technology. Violation of department policy and procedures will result in appropriate corrective action or discipline and may subject those involved to civil or criminal liability under applicable state and federal laws.
 - e. Initial and ongoing needs assessments will be conducted as a part of this HALO Program. Needs assessments will consider that HALO is only one of many tools and methods available to enhance public safety and that other alternatives may be more appropriate or cost effective.
 - f. Information obtained from HALO use will be used exclusively for public safety and law enforcement purposes. Information in any form obtained through the use of the HALO project technology will be handled according to accepted departmental procedures and legal rules governing the handling of evidence and criminal justice records. Dissemination of such information should be conducted in accordance with applicable departmental procedures, state, and federal laws. Unusable or non-case specific video or digital image data will not be retained, and will be purged from data storage within established time periods, and in conformance with
-

city, state, federal and department legal and policy requirements.

- g. The design and implementation of the HALO Program and its periodic enhancement must recognize legal parameters that both limit and expand use of cameras in the public space.

(3) DEFINITIONS:

HALO: Acronym for the overt public area camera program, defined further as High Activity Location Observation, and HALO-Safe City (the Denver Public Schools/DPD partnership).

HALO Camera: A self-contained video camera (commonly known as Closed Circuit Television), within a protective case that:

- Can monitor and record from a distance, activity on the public way;
- Is remotely controlled and capable of sending real-time images to the HALO Command Center, the Office of Emergency Management, Denver 911, or a patrol district station office or other designated monitoring center or location authorized by the department;
- May have functionality that includes the pan of 360 degrees, tilt, and zoom (PTZ);
- May have night-vision capability;
- May be affixed to a street pole or other object in designated areas consistent with this procedure; and
- May display the department's logo and may be equipped with a highly visible flashing light; and
- May have signage that denotes the area is subject to being video-recorded and monitored.

HALO Command Center: A centralized, robust video operations center located at the Police Administration Building.

Civilian HALO Monitor: The crime detection specialist assigned to the HALO Command Center or other facility to monitor multiple HALO images.

Rapidly Deployable Camera (RDC): Camera affixed to existing or mobile structure, (i.e. utility pole, building, trailer, etc.), that is temporary, of which the video signal can be monitored through a remote-mobile laptop, desktop computer, or command center.

Public Place/Space: Physical locations that have been identified by the courts where the warrantless use of video surveillance by law enforcement is allowed, (i.e., no expectation of privacy). Examples are parking lots, parks, streets, roads, alleyways, public walkways, etc.

Urgent Significant Event: Situations that include barricade or hostage situations, patterns of criminal activity, large public gatherings that may lead to law violations, impact to public safety response or where public safety and security may be at risk.

(4) PROGRAM MANAGEMENT:

- a. The Division Chief of Investigations will ensure the placement/relocation of HALO cameras is monitored to maximize utilization of the system.
- b. The HALO Program supervisor will:
1. Conduct periodic reviews to evaluate the effectiveness and continued need of HALO camera placement in the deployed locations.
 2. Review strategic plans and exit strategies for HALO camera placement/relocation and removal.
 3. Coordinate requests or inquiries made by outside agencies involving HALO cameras.
 4. Ensure that HALO cameras are used for law enforcement or public safety purposes consistent with this policy.
 5. Direct technical support activities for fixed and mobile HALO cameras including installation, removal, relocation, and maintenance.
 6. Ensure all HALO camera locations are updated on the department website.
-

7. Receive and review all requests for use or placement/relocation of HALO cameras from all divisions/districts. Any request to the program supervisor must come from a division or district commander and contain the appropriate form and documentation. The request will then be forwarded to the Investigative Support Division Commander (or designee) for final review and approval.
 8. Coordinate with the affected commanders and the Office of the Chief of Police, prior to any removal of a HALO camera due to maintenance, repair, or relocation.
 9. Be responsible for the appropriate training and documentation of all employees who have command and control access to the HALO system.
 10. Be responsible for developing detailed policy, procedures, directives and job specific operations and technical manuals needed for the program.
 11. Continuously conduct research of legal opinions and rulings, best practices in policies, procedures, technology and training to ensure that the rights of individuals, DPD employees and the city are protected.
- c. In consultation with the Division Chief of Investigations (or designee), district commanders will:
1. Conduct an analysis of HALO camera placement/relocation pursuant to section (2).
 2. Post analysis, identify and recommend public places within their districts for HALO camera placement/relocation:
 - a. This information (including all supporting documentation), will be documented on (or attached to) the HALO Camera Placement/Re-Location Request Form (DPD 711). Once complete, the form will be forwarded to the HALO Program supervisor.
 - b. District commanders will be responsible for approving and implementing the exit strategy for the removal of HALO cameras.
- d. Police officers and supervisors will:
1. Continually monitor the condition of the HALO cameras and immediately report any visible damage to the HALO Command Center.
 2. Immediately report any equipment malfunctions to the HALO Command Center.
 3. Complete the HALO Video Retrieval Request Form (DPD 709) and submit it to the district commander when the supervisor deems that the retrieval of captured video images is needed for an investigation or other appropriate police purposes.
 4. Report any equipment problems or failures to the HALO Program supervisor.
- e. The HALO Program supervisor (or designee) from the Denver Police Department and the selected vendor will:
1. Supervise the installation and removal of the HALO cameras from approved locations.
 2. Coordinate integration of new equipment and testing.
 3. Conduct site surveys to establish logistical needs, such as connectivity, installation, security, and any other relevant issues.
 4. Provide technical assistance when required.
- f. HALO Command Center personnel will:
1. Conduct HALO camera monitoring from the HALO Command Center, or other designated areas.
 2. Report observations on the appropriate communications channel.
 3. Perform priority in-camera monitoring in cases involving officer safety, in-progress crimes, calls for service, events, or public emergencies.
-

4. Set priorities by reviewing daily crime reports, officer information and specific requests for coverage as well as other sources.
5. Maintain activity log relative to HALO assistance provided to all department divisions and other agencies.

(6) HALO TRAINING:

- a. Designated civilian HALO monitors (non-sworn), police officers, detectives and supervisors will receive training concerning the First Amendment, the Fourth Amendment, department policies and procedures, and the proper operation of the surveillance equipment through the HALO Video Training Program prior to being authorized to operate HALO cameras, access HALO video archives and create custom view groups.
- b. This training will be documented in the respective employee's (sworn/non-sworn) training record (forwarded to the Training Section), and noted as a journal entry by the officer's supervisor. The HALO Program commanding officer will ensure that the training is complete and documented prior to allowing access to the system.

(7) HALO PLACEMENT:

HALO cameras will be placed in locations pursuant to approval by the Investigative Support Division Commander (or designee). Approved signage may be posted upon installation of the camera in a prominent manner.

(8) HALO VIDEO RETRIEVAL REQUEST PROCESS:

- a. Retrieval of the recorded video images from HALO camera(s) for investigative or prosecution purposes will occur as delineated in this procedure.
- b. Unless retrieved consistent with this procedure, video images captured by the HALO camera will be purged after a 30-day period.
- c. Requests for retrieval of video images recorded by HALO cameras will be initiated by law enforcement personnel who will:
 1. Complete and submit a HALO Video Retrieval Request Form (DPD 709) to their division/district commander (or designee) for approval;
 2. Forward the approved form and any related reports to the HALO Command Center supervisor (or designee) for final review.
- d. In situations in which the urgent retrieval of video images is necessary, the detail commanding officer in the district of occurrence or a member of the affected investigation division will:
 1. Notify the HALO Unit commanding officer (or designee) on weekdays between 0700-0300 hours, excluding holidays at 720-913-HALO (4256);
 2. At all other times, notify a Denver 911 supervisor; or
 3. The Denver 911 supervisor will notify the on call HALO Unit detective. The HALO Unit will provide the HALO Command Center and Denver 911 with the names of department members who are trained to retrieve video images and are available for call back. These members will electronically capture relevant information for each HALO Video Retrieval Request Form (DPD 709) received.
- e. Requests for the retrieval of video images should be made within 21 days of the incident's recording.

(9) VIDEO STORAGE OF RETRIEVED IMAGES:

- a. Digital Video Discs (DVD), containing images recorded by HALO and City of Denver cameras with an attached HALO Video Retrieval Request Form (DPD 709) will be stored in strict accordance with existing department evidentiary procedures. The originally recorded images will be electronically transferred to this medium under secure procedures from the Denver Police

Department/Department of Safety Storage Area Network (SAN). The HALO Video Retrieval Request Form (DPD 709) is a report used by the police department, Denver Fire Department, Denver City and District Attorney's Offices, and various other city entities. Any request to archive original footage needs to be completed on the appropriate form and notification of this request will be made within 21 days of the event.

- b. Officers receiving retrieved images recorded by the HALO cameras will, within seven (7) days of receipt of the recorded images on DVD (or other media), enter such receipt into the investigative file, utilizing the inventory number given to them by the Denver Police Evidence and Property Section or HALO Unit, and denote the disposition of the recorded image.
- c. Once the request for video image retrieval is approved, the HALO Unit supervisor (or designee) will make three (3) original copies on DVD (or other media). These three original copies are made in concurrence with local federal title-III audio recording standards as follows:
 1. One original copy (copy #1), will be sealed and initialed as evidence for court, utilizing the case number provided on the HALO Video Retrieval Request Form (DPD 709). The electronic reference tag/ log number will also be noted onto the DVD (or other media). This is to be completed by the person designated to produce the discs for HALO, maintaining the chain of evidence. The HALO Unit will place the original copy in the Evidence and Property Section.
 2. After signing the HALO receipt for all three copies, the second original (copy #2) and third original (copy #3), will be marked as delineated above and provided to the requestor as a working case copy and a discovery copy. The second original (copy #2) and third original (copy #3) will be destroyed sixty (60) days after the request date if they have not been signed for in the HALO office.

(11) URGENT SIGNIFICANT EVENTS:

- a. In the event where the immediate use of a HALO camera is warranted, a mobile HALO platform may be utilized.
- b. The requesting command officer will contact the HALO Unit commanding officer, who will initiate emergency deployment of the rapidly deployable HALO camera.

(12) PARTNERING WITH OTHER AGENCIES:

The HALO Program, with the approval of the Chief of Police, may partner with other public and private institutions and entities in the sharing of camera images with the Denver Police Department. For example, the program currently is allowed access to cameras owned and operated by the Regional Transportation District, Denver Public Schools, Colorado Department of Transportation and Denver Department of Public Works Traffic Operations. The monitoring of privately owned cameras on the HALO network will only occur under a written agreement between the city and the private owner. The Denver Police Department will not allow access to the HALO network to any non-governmental agency nor to any governmental agency that is not directly involved in providing public safety services in the City and County of Denver. Access to the HALO network must be requested in writing and approved by the Chief of Police.

119.02 ELECTRONIC TRACKING PROGRAM

(1) PURPOSE:

The Denver Police Department will lawfully deploy Global Positioning System (GPS) tracking devices in an attempt to locate, identify and apprehend those that commit various types of property crimes in the community. The Electronic Tracking Program is an innovative method of crime fighting that combines technology with community participation and partnership. The program places and monitors tracking devices on "bait property". Bait property includes bicycles, items placed inside motor vehicles, and other articles, with the expectation that the property may be stolen. In accordance with all requirements of this

policy, the Electronic Tracking Program is intended for use in businesses, residences or any other venue where GPS tracking would prove valuable.

(2) DEFINITIONS:

Handheld Beacon: A handheld device that uses antennas to track and ascertain the precise location of the tracking device's radio frequency transponder. Typically, and only when necessary, the handheld beacon is used in the final phases of tracking.

Tracking Device: A GPS enabled tracking system that aids in the recovery of stolen property and apprehension of the involved suspects.

(3) GENERAL PROCEDURES:

- a. Officers will not use the tracking device, handheld beacon or any other part of the program until they have successfully completed the required training.
- b. The tracking device will be installed or used only with property or equipment that is owned by the City and County of Denver, except as set forth in section 4(e).
- c. The tracking device and all auxiliary equipment will be maintained, and periodically inspected, in order to ensure all devices are functioning at optimal levels.
- d. When not deployed, all components of the Electronic Tracking Program will be stored in a secure area where they are not subject to frequent temperature or environmental changes.

(4) DEPLOYMENT:

- a. The use of a tracking device must be authorized by a supervisor and a Denver Police Department Operations Plan (DPD 567) must be completed and authorized by the respective commander (or designee) prior to deployment.
- b. The tracking device will be inspected by the user for obvious damage and network connectivity prior to deployment.
- c. The assigned officer will ensure that each tracking device is accurately listed and the location logged on the tracker vendor website to provide for location accountability during deployment. If the device is moved to a different location, the new location must be updated through the tracker vendor website database.
- d. Officers should attempt to place the tracking device in an area that has video surveillance.
- e. If the electronic tracking device is to be deployed on private property (i.e., areas not accessible to the general public), the following must be completed:
 - The owner of the property must complete the Hold Harmless Consent Agreement (DPD 811).
 - The original Hold Harmless Consent Agreement will be submitted with the operations plan and a copy will be placed in the investigative report.
 - Every effort will be made to strategically deploy the tracking device(s) in a location where it does not require active participation of the community partner.
- f. Tracking devices will not be placed directly on motor vehicles.

(5) GPS ACTIVATION:

The assigned officer (or designee) will receive the activation alert via the tracker vendor website. The assigned officer (or designee) is responsible for the following:

- a. Notifying on duty resources of the activation (using the code word "Delta Escort").
 - b. Ensuring he/she is logged into the tracker vendor tracking system so that they can provide real time direction of travel, speed and signal strength of the tracking device.
 - c. Deploying the handheld beacon in the event a more specific location of the device needs to be determined.
-

- d. An on-duty district supervisor will continuously evaluate the incident, taking into consideration the safety of all involved parties, and will request additional resources as needed.

(6) AUTHORIZED DEPLOYMENT METHODS:

The following is a list of guidelines to be utilized when deploying the tracking devices to address different crime trends (*Note - all requirements of section (4) still apply*):

- a. Bicycle theft:
 - Bicycles will be locked using the appropriate Denver Police Department provided locking system.
 - Notify Denver 911 and the HALO Command Center of the operation; including a location and description of the bicycle.
 - In the description of the device on the tracker website, add the information: “(bicycle description) – (location of the deployment)”.
 - The alert message must contain a detailed description of the bicycle.
- b. Theft of property located inside a motor vehicle:
 - In the description of the device on the tracker website, add the information: “(vehicle description) – (location of the deployment)”.
 - Notify Denver 911 and the HALO Command Center of the operation; including the name, model and location of the vehicle to be used as a bait vehicle.
 - The alert message must contain a detailed description of the bait property.
- c. Other deployments:
 - In the description of the device on the tracker website, add the information: “(short description of item) – (location of the deployment)”.
 - Notify Denver 911 and the HALO Command Center of the operation; including description of the item and location of the operation.
 - The alert message must contain a detailed description of the item.

(7) PROGRAM ADMINISTRATOR:

- a. The Investigative Technology Section is the program administrator for the Electronic Tracking Program and will provide tracking devices based upon operational need.
- b. The program administrator will manage, assign and inspect (at a minimum of two times per calendar year) all equipment directly related to the Electronic Tracking Program. An inventory log, including the inspection report and its results, will be kept on file in the Investigative Technology Section.
- c. The program administrator will track the assignment of equipment and all statistical data related to the deployment of the Electronic Tracking Program.

119.03 AUTOMATED LICENSE PLATE READER SYSTEM

(1) GENERAL INFORMATION:

The Denver Police Department authorizes the use of Automated License Plate Reader (ALPR) technology to automatically detect vehicle license plates and to gather data associated with those plates. ALPR systems and all associated databases are the property of the Denver Police Department and all access to, or utilization of ALPR data and/or equipment is restricted to official law enforcement purposes.

- a. The ALPR system is administered by the Investigative Technology Section.

- b. The ALPR system utilizes a NCIC/CCIC hotlist obtained from the Colorado Bureau of Investigation. The Investigative Technology Section, in conjunction with Technology Services, will ensure the database is updated a minimum of 5 times in a 24-hour period.
- c. All authorized users must successfully complete all approved ALPR training prior to operating the ALPR system and/or accessing any database information.

(2) SYSTEM OPERATION:

- a. Officers operating a vehicle equipped with ALPR technology must log into the system. The ALPR system is updated with the most current hotlist available from the Back Office System Server (BOSS) upon the initial login and the software will subsequently and automatically update throughout the shift so long as the officer remains logged into the system.
- b. When notified of an ALPR alert, officers must visually confirm the plate against the captured image and verify the validity of the alert through Denver 911 or the MDT. This confirmation must be completed prior to any law enforcement action.
- c. When a vehicle stop is made as a result of an ALPR alert notification, officers are required to enter a disposition relating to the vehicle stop in the ALPR software.
- d. The ALPR cameras mounted to a vehicle are not adjustable. Officers will not try to move or reposition the cameras. If there is reason to believe the camera is out of alignment, the vehicle will be taken to the Electronic Engineering Bureau, the Fleet Management Section or the Investigative Technology Section. The three aforementioned are the only areas authorized to make adjustments to the equipment that supports the ALPR.
- e. Problems with the ALPR software must be addressed by the Electronic Engineering Bureau.

(3) DATA RETENTION AND INFORMATION SHARING:

- a. ALPR data will be retained for a period of 730 days, except for any data deemed as evidence in a criminal investigation or if the department has been given official notice of a claim filed. Investigating officers are responsible for collecting and securing any data as part of a criminal investigation and ensuring the information is retained as part of the investigation.
 - b. The ALPR database is protected under the Federal Privacy Act of 1974 and officers will only access and search retained ALPR data in conjunction with a criminal investigation or criminal nexus – See OMS 102.05(3).
 - Officers must enter an investigative reason prior to initiating any search within the database.
 - Officers may only access records retained one year after the date of creation if there has been a notice of claim filed or other specific incident that may cause the record to become evidence in a felony criminal proceeding.
 - c. The release of ALPR database information to anyone other than a law enforcement agency is strictly prohibited and the initiation of such must come in the form of an official request to the department.
 - d. Officers sharing ALPR database information with another law enforcement agency may do so only for the purpose of an official investigation. However, if the requesting agency requires an official record of any information contained within the database, they will be directed to the Investigative Technology Section so that the request is documented and the information is properly released.
 - e. Any direct ALPR database connection, for the purposes of sharing ALPR database information with another law enforcement agency, will be administered by the Investigative Technology Section and must be approved by the Chief of Police (or designee).
-

119.04 BODY WORN CAMERA TECHNOLOGY

(1) PURPOSE:

The body-worn camera (BWC) is an “on-the-body” audio and video recording system assigned to an officer as an additional means of documenting specific incidents in the field. The purpose of this policy is to establish procedures related to the use, management, storage, and retrieval of the data stored on the department-issued BWC. Specific uses of the BWC are:

- a. To capture crimes in-progress, whether perpetrated against the officer or the community and to maintain this evidence for presentation in court.
- b. To document initial police response, the discovery of evidentiary items and the actions of the police pursuant to an investigation, including calls for service or self-initiated police contacts that could result in an enforcement action.
- c. To mitigate potentially confrontational interactions with members of the public through the presence of the BWC.
- d. To prevent and resolve complaints made against officers during the course of their police duties.
- e. To serve in training and performance feedback, ensuring the professionalism of all Denver Police officers.

(2) DEFINITIONS:

BUFFERING Mode: The BWC continuously loops a video recording for up to 30 seconds before the recording is started by the officer. While buffering, video only (no audio) is being recorded.

EVENT Mode: Once activated by pressing the EVENT button, the BWC saves the recorded buffered video and continues to record both audio and video.

Evidence Transfer Manager (ETM): Docking unit used to recharge and upload previously recorded audio and video (stored media) from the BWC. The ETM automatically transfers all stored media to evidence.com.

Evidence.com: An online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only by authorized personnel.

BWC System Administrator: The Investigative Technology Section is the BWC system administrator and they will maintain the integrity and efficiency of the data management and file retention systems.

(3) POLICY:

There are many situations where the activation of the BWC is appropriate and/or required and this policy is not intended to describe every possible circumstance. It is understood that not all situations will clearly start out as necessitating documentation by the BWC nor will all recorded events have a clear ending for when the BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion as well as good judgment when activating and deactivating the BWC.

All officers (sergeants and below in uniformed on-duty line assignments) are required to use the BWC system in accordance with the policies of the Denver Police Department. The assignments include sergeants, corporals, technicians, and patrol officers assigned to all six (6) police districts, Metro/SWAT, the Gang Unit, the Traffic Operations Section, and the Airport Division.

Effective July 1, 2017, all officers below the appointed rank of commander will utilize the BWC system while working uniformed off-duty assignments, except for captains and lieutenants assigned an off-duty command position (not performing the duties of a patrol officer or first line supervisor). This requirement also applies to all uniformed officers working in a volunteer (off-duty) capacity.

The Denver Police Department recognizes there are certain circumstances where officers in a proactive (non- dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, officers must activate the BWC, unless doing so places them or others in jeopardy. If the immediate

activation of the BWC is not feasible due to an immediate risk to the safety of the officer or others, the officer will activate the BWC at the first available opportunity after the immediate threat has been addressed.

a. Required Activation

1. All officers will place the BWC into EVENT mode after being dispatched and prior to arriving to the following calls for service and prior to any officer initiated contacts involving actual or potential violations of the law including:
 - a. Traffic stops
 - b. Pedestrian, citizen and/or vehicle contacts
 - c. All calls requiring the presence of a Crisis Intervention Team (CIT) officer
 - d. Reported weapons calls
 - e. All calls involving suicidal individuals
 - f. When engaging in a foot chase (if the BWC was not placed in EVENT mode prior to the foot chase, officers are required to place the BWC into EVENT mode as soon as the situation has stabilized and it is safe to do so)
 - g. Any encounter that becomes adversarial
 - h. When engaging in a forced entry
 - i. To assist in documenting warrantless or consensual searches of individuals, vehicles, buildings, and other places
 - The BWC will be utilized to record the request and consent. This recording is intended to enhance a documented consent; it is not intended to replace the use of the Consent to Search form (DPD 272).
 - The existence of the recorded request will be documented in the officer's statement.
 - The BWC can be used to record the search itself.
 - j. To assist in documenting an individual's Miranda Advisement
 - The BWC will be utilized to record the advisement and the subject's responses when practical. This recording is intended to enhance a documented consent. It is not intended to replace the use of Juvenile Advisement/Waiver Form (DPD 102) or the Advisement form (DPD 369).
 - The existence of a recorded advisement will be documented in the officer's statement.
 - k. All arrests and/or citations
 - l. To assist in documenting the handling and inventory of currency, whether being submitted to the Evidence and Property Section or returned to a citizen
 - m. Any situation that the officer believes the use of the BWC would be appropriate or would provide valuable documentation if not already activated per policy
 - n. Upon active involvement in a vehicle pursuit, or if not actively involved, when assisting at its point of termination, including any perimeters, foot searches, and/or physical apprehensions – See OMS 204.01
2. Once placed in EVENT mode, the BWC will remain on and not be turned off unless the initial incident that caused the activation has stabilized; upon request of the victim; or as ordered by a supervisor. For the purposes of this section, an incident is considered

stabilized when the initial police response or exchange of communication related to police enforcement activities has transitioned to a controlled and orderly investigation.

- a. Officers will document the reason that the BWC has been deactivated in the form of a recorded announcement on the BWC prior to deactivation.
 - b. If an officer is on a perimeter post or assigned to a static post where he/she is not in contact with citizens, involved in an enforcement action or actively part of the investigation, then he/she may deactivate the BWC to conserve battery life. The BWC will be reactivated if any of these fail to apply.
 - c. Once the situation has stabilized, if it is necessary to discuss issues or concerns with an officer, supervisor, doctor, nurse, or paramedic in private, or if the information to be conveyed is not part of an investigative case, the BWC may be switched to BUFFERING mode. As soon as the private conversation is completed, the BWC will be returned to EVENT mode so long as the situation still falls under the definition of required use. Officers are reminded that when the BWC is placed back to EVENT mode, the prior 30 seconds of video (no audio) will be saved.
- b. Restricted use of the BWC system and/or stored media
1. Officers will only use a BWC that has been approved and issued by the Denver Police Department. The use of personal video and/or audio recorders is prohibited.
 2. All audio, images and media associated with the BWC are the property of the Denver Police Department and these items are not to be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police. Under no circumstances will any employee of the Denver Police Department make a personal copy of any recorded event without the written consent of the Chief of Police (e.g. using a cellular telephone or other recording device to record BWC media). Lead investigators may create a secondary copy of a BWC recording subsequent to an official investigation and will ensure that the copy remains attached to the case file.
 3. Under no circumstance, except those instances involving an investigation of department personnel, will a conversation between department employees be recorded without all parties to the conversation knowing it is being recorded. Conversations that are not required to be captured as evidence in the furtherance of completing a police report and/or subsequent police investigation will not be recorded.
 4. The BWC will not be activated in places where a reasonable expectation of privacy exists (such as detox, medical, and/or healthcare facilities, locker rooms or restrooms, etc.) unless the activation is for official law enforcement activity such as a call for service or if policy requires the activation.
 - a. Officers will only use the BWC in patient care areas of a healthcare facility and/or ambulances when the recording is for official purposes and caution should be used to record only the parties involved in the event being investigated.
 5. Officers will generally not activate a BWC while on the grounds of any public, private, or parochial elementary, middle, or high school, unless required by policy (e.g. call for service, class 2 action, etc.).
 6. Officers will not record confidential informants.
 7. Prior to conducting a strip search, the officer will record a 360-degree video of the
-

location where the strip search will be conducted. During the actual strip search, the BWC will be utilized to only capture audio of the event by positioning the camera away from the individual to be searched (see OMS 104.01(8) for authorization).

8. Officers are not authorized to playback BWC recorded media for citizen viewing.
9. No personal use is allowed.
10. Metro/SWAT:
Officers assigned to Metro/SWAT perform both patrol and tactical duties.
 - a. When performing the duties of a patrol officer, Metro/SWAT personnel will utilize the BWC system in accordance with the policies and procedures stated in section (3) and (4).
 - b. Typically, when executing planned tactical operations, Metro/SWAT personnel will not utilize/deploy the BWC system. A commander or above may order the utilization of the BWC system during any operation.
11. Fixed Position Checkpoints:
Officers assigned to a fixed position checkpoint will not be required to place the BWC into EVENT mode during the initial contact of drivers. Rather, officers will maintain their BWC in BUFFERING mode, and as soon as the officer develops reasonable suspicion to believe a crime is occurring or that any other required activation is present, as defined in section (3), the BWC will be activated.

(4) OFFICER RESPONSIBILITIES:

- a. Officers will not use the BWC system or evidence.com until they have successfully completed the required training.
 - b. Officers will ensure the following when assigned a BWC at the beginning of each shift/tour of duty or off-duty detail:
 1. In accordance with this policy, officers are not permitted to work either on or off-duty without a functioning BWC and are responsible for the care and maintenance of the BWC assigned to them. The BWC is to be operated and maintained per the manufacturer's instructions and recommendations. Officers with BWC equipment that is unavailable to deploy (i.e., not functioning, appears to be broken, missing, etc.), will immediately notify an on-duty district supervisor for direction and the HALO Command Center for immediate repair/replacement. NOTE: HALO operates from 0700 to 0300 hours (if after hours, on-call staff may be contacted through Denver 911).
 2. The BWC will be properly affixed upon the officer's uniform in accordance with departmental regulations and manufacturer's guidelines. The camera will only be mounted on the officer's uniform with the department approved collar, helmet, head, and sunglass mounts. Any modification to the BWC unit or mounting is prohibited. Each officer will ensure that their camera is positioned correctly and verify the camera position by use of the viewer. The BWC must be worn for the entire shift.
 3. Under normal operation, the BWC's audible alert signal must remain in the ON position. The audible alert signal may be muted for tactical situations; however, the audible alert signal must be immediately reactivated after the tactical portion of the incident.
 4. To record all situations required by this policy, the officer must maintain the BWC in a constant state of operational readiness. Operational readiness means that the BWC has adequate battery life/available storage, remains properly affixed to the officer's uniform and is set to BUFFERING mode.
-

5. When not wearing the BWC system, officers will ensure that the BWC is stored in a secure location.
- c. Officers will document the use of the BWC within reports, citations, log sheets, arrest book-ins, and/or street checks within the first line of any text entry.
- d. Officers are encouraged to notify the public that the BWC is activated and recording. Under most circumstances, notification has shown to diffuse incidents. However, there may be times that this is impractical or that the notification could diminish lines of communication. Officer discretion should be utilized and generally favor notification over non-notification.
 1. Officers should notify crime victims and persons wanting to anonymously report a crime that they are being recorded as soon as it is safe to do so.
 2. Unless use of the BWC is necessary for an officer's safety, the safety of others, or to ensure an accurate account of an event, when a person wants to anonymously report a crime or assist in an ongoing investigation, the officer will ask the person if they want the officer to discontinue use of the BWC. If the person states yes, the officer will immediately announce the reason for the deactivation and turn off the BWC.
 3. When persons who are recorded request anonymity, officers will note this in written reports and make a verbal statement for the BWC.
- e. Officers are authorized to review their own BWC recording when preparing official written documentation of a specific event. Officers may only review recordings from their assigned BWC. The viewing will be utilized as a tool when completing written reports to ensure accuracy. The following are exceptions to the above:
 1. If the officer is involved in (or witness to) a use of force incident that per policy requires the response of an Internal Affairs Division investigator, the officer may be authorized to view their BWC recording after the Internal Affairs Division investigator has been consulted. The viewing of any BWC recording will only be permitted after receiving authorization from the Internal Affairs Division investigator acting under the direction of the commander of the Internal Affairs Division.
 2. If the officer is involved in (or witness to) a critical incident such as a police shooting, an in-custody injury resulting in death or other critical incident as defined in the Operations Manual, the officer is authorized to view their BWC recording only after the approval of the commander of the Major Crimes Division (or designee).
- f. Officers will appropriately tag each recorded video.
 1. I.D. section: The recording officer will enter the GO/CAD number in the following format:
Two-digit year – GO/CAD number (e.g., 15-123456)
 2. Category section: The officer will select the most appropriate category from the drop-down menu.
 - Death Investigation: Homicide, Known/Unknown Dead, In-Custody Death, Arson Investigation resulting in death, Vehicular Homicide, Hit and Run resulting in death. This category includes the attempt of any of the listed crimes.
 - Sex Assault on a Child: Sex Assault on a Child. This category includes the attempt of the listed crime.
 - Missing Person/Kidnapping: Missing Person and Kidnapping. This category includes the attempt of the listed crimes and excludes runaways.
 - Sexual Assault: Sexual Assault. This category includes the attempt of the

listed crime.

- Felony – Other: Robbery, Felony Assaults, Arson not resulting in death, Child Abuse, Burglary, Felony Theft, Auto Theft, Theft from Motor Vehicle and any other felony crime not designated under any other listed/available category.
- GO Created: Any misdemeanor crime, any time a GO report is created, a citation is issued or an arrest occurs that does not fit under any other listed category. This category includes both state misdemeanors and municipal violations.
- Fraud/Forgery – Fraud and Forgery. This category includes the attempt of the listed crime.
- Private – This is a secondary category to be used in conjunction with any of the other listed categories. This category should only be added at the direction of an investigative or supervisory officer.
- Non Event – All Other: All contacts that do not result in an arrest or citation being issued, does not result in a GO report and does not fit any other listed category. (e.g., neighbor disputes, street checks, traffic warning, accidental activation)

3. Title section: If a use of force occurred, the officer will enter “UOF”. If an arrest occurred, the officer will enter “ARST”.
 - Officers are encouraged to enter additional useful information in the Title section. An example would be the location of the incident and/or the suspects name and date of birth. This is not required; however, it is strongly encouraged.

g. Uploading of BWC media to the Evidence Transfer Manager (ETM):

1. Regular on-duty assignment and/or regular on-duty assignment in conjunction with secondary employment:

Immediately following an on-duty assignment (or after the total hours if worked in conjunction with secondary employment), officers will upload BWC data by placing the BWC into the department ETM at their work assignment, or at their residence (within two hours) using the department issued docking station.

2. Secondary employment not in conjunction with any on-duty assignment:

Immediately following secondary employment (within two hours), officers will upload BWC data by placing the BWC into a department ETM or department issued ETM.

3. Once placed into an ETM, the BWC will not be removed until the media has been fully uploaded.
4. If evidentiary media exists on the BWC and there will be a significant delay (more than two hours) in uploading the BWC to an ETM, officers will notify an on-duty supervisor.

(5) INVESTIGATIVE RESPONSIBILITIES:

- a. Investigators will not use the BWC system or evidence.com until they have successfully completed the required training.
- b. When assigned a case for investigation, the assigned investigator will:
 1. Determine the identity of all involved officers.
 2. Search evidence.com for any associated BWC media, using multiple search parameters to verify that they have located all relevant files.
 3. Create a digital media file “folder” within evidence.com. The investigator will add all

relevant/associated BWC media into the folder.

4. Verify the accuracy of the category section, ensuring it is in accordance with the correct Colorado Revised Statute. If the category section is incorrect, the investigator is responsible for entering the correct category (see section (4) f).
5. View all of the applicable BWC media and will notate in their supplemental report that BWC media does exist.

(6) SUPERVISOR RESPONSIBILITIES:

- a. Supervisors will not use the BWC system or evidence.com until they have successfully completed the required training.
 - b. When an incident arises that requires the immediate retrieval of BWC media for chain of custody purposes (including, but not limited to: serious crime scenes, officer involved shootings, critical incidents or other incidents as determined by policy/supervision) a supervisor will respond to the scene and ensure the BWC remains affixed to the officer in the manner it was found and that the BWC data remains uncompromised. Through direct and uninterrupted supervision, the supervisor is responsible for the care and custody of the BWC until it has been removed and secured by the lead investigator.
 - c. Supervisors are required to review BWC media under the following circumstances and/or when the following reports are generated.
 1. Use of Force Report (DPD 12)
 2. Injury While in Custody and Injury Prior to Arrest Report (DPD 12I)
 3. Forced Entry Report (DPD 460)
 4. The supervisor is investigating a specific act of officer conduct.
 5. The officer has been placed on a performance improvement plan to address identified behavioral or performance deficiencies.
 6. BWC media can be reviewed for both commending and counseling officers.
 7. Requests to review BWC recordings outside of these parameters must be made to and approved by the officer's commander or above.
 8. The aforementioned is not meant to limit or restrict the Department's review as part of an official investigation.
 9. Reviews of BWC media that determine it was not activated per policy may result in discipline for the involved officer.
 - d. Documentation:
 1. When applicable DPD reports are generated, documentation will include whether the BWC media was reviewed and a synopsis of what is contained in the recording. If an incident did not generate any BWC media or if the BWC media has no value, supervisors will document why and the circumstances.
 2. In circumstances where a DPD report is not generated, supervisors may document the review and synopsis of BWC media with a journal entry.
 - e. When a supervisor is notified of a malfunctioning camera, the supervisor will ensure that the camera is operational prior to re-deploying the camera. If the supervisor is unable to deploy the camera, directions stipulated in section (4)b1 will be followed. In exigent circumstances, a command officer may authorize the officer to work without a BWC system. If an officer's direct report command officer is unavailable, the supervisor may contact another on-duty district command officer.
 - f. All officers, with the rank of lieutenant or higher, will have access to view BWC media in evidence.com for the officers assigned to their respective assignments, except for cases that
-

have restricted access. All viewing of BWC media in evidence.com is documented in an online audit trail.

(7) OFF-DUTY BWC SYSTEM RESPONSIBILITIES:

- a. Officers working off-duty in uniform will follow the same procedures as stated in section (4).
- b. Officers working department paid off-duty assignments in conjunction with their on-duty shift will place the BWC into the ETM after working both shifts.

(8) BWC SYSTEM ADMINISTRATOR RESPONSIBILITIES:

The BWC system is administered by the Investigative Technology Section, they are responsible for:

- a. Ensuring that officers are trained in the use of the BWC system and equipment prior to issuance.
- b. Ensuring that the BWC equipment meets the standards and requirements of the Denver Police Department.
- c. Providing administrative support regarding the BWC system.
- d. Assigning personnel for the purpose of “sharing” BWC digital media evidence with both the District Attorney’s and the City Attorney’s Office. All requests for evidence will be in writing from the respective agency.
 1. Requests from the District Attorney’s Office:
 - All BWC digital media evidence will be shared with the District Attorney’s Office once cases have been accepted for filing in court. This includes privatized and restricted access video.
 - Personnel will locate the BWC digital case folder that was created by the investigator in evidence.com and “share” the BWC digital case folder with the currently approved District Attorney’s Office user group identified within evidence.com.
 - Any subsequent BWC digital media evidence will be added to the case folder and shared with the District Attorney’s Office.
 2. Requests from the City Attorney’s Office
 - These incidents are typically not investigated by a detective or other investigator and the BWC digital media folder will be created by HALO (see section 5(b) above). The BWC media needs to be added to the newly created digital media case folder and then “shared” with the currently approved City Attorney’s Office user group identified within evidence.com.
- e. Assisting in data collection reporting. These reports include, but are not limited to, monthly usage audits, video storage audits, viewing audits and other audits as requested.
- f. Providing technical support for malfunctioning BWC equipment and facilitate all warranty repairs with the vendor.

(9) DATA MANAGEMENT AND FILE RETENTION:

- a. All recorded BWC media will be uploaded and retained in evidence.com in accordance with the current retention schedule. The retention of all BWC media will comply with all applicable State of Colorado statutory requirements regarding criminal justice record management and evidence retention and will be based upon the current City and County of Denver General Records Retention Schedule. All BWC media will be purged from the system in accordance with the current retention schedule.

(10) AUTHORIZED REVIEW AND DISCLOSURE:

- a. Access to all BWC stored media will be restricted to authorized users and the viewing of any BWC footage will be restricted to legitimate law enforcement or administrative purposes.
-

1. BWC recordings will not be reviewed by anyone outside of the involved officer's chain of command except as outlined in this policy. Any other review (video and/or audio) of BWC recordings must have prior approval from the Chief of Police (or designee).
2. All officers are accountable for each BWC video/audio review and will be required to justify the reason for accessing the recording. All viewing of BWC media in evidence.com is documented with an online audit trail.
3. BWC recordings will not be accessed for personal gain or entertainment.
- b. Any request for BWC media made from outside the Denver Police Department, including other law enforcement agencies, the District or City Attorney's Office, and/or any city agency will comply with both the records disclosure and records management policies of the department (See OMS 109.04 and 109.05).

(11) AFTER EVENT TRAINING VALUE:

When a BWC recording may have training value, the incident CAD number and a brief description of the event will be forwarded by the submitting officer through the chain of command to the Chief of Police. The Chief of Police will forward the request to the Training Section for review to determine value and relevancy of the recording for training purposes, and to ensure it conforms to current training protocol. The Chief will determine if there are any potential adverse effects of using the video.

- a. The Training Division will determine the benefit of using the BWC recording versus other training curriculum and forward their recommendation to the Chief of Police.
- b. The involved officer(s) will be notified when BWC recording is being considered for training use. The officer(s) may submit any concerns about the use of the video through their chain of command to their deputy chief.
- c. Recordings may be used for training purposes only after any criminal case is adjudicated, and any other administrative review is complete.
- d. Recordings will not be used to embarrass or ridicule officers or the public.

(12) VIOLATIONS:

Failure to adhere to the recording requirements of this policy will result in the following discipline and actions:

- a. 1st violation in a 12-month period: Oral reprimand, and:
 1. Mandated officer review of entire BWC policy,
 2. Follow up meeting with supervisor to discuss key points,
 3. Journal entry.
 - b. Breaches of BWC policy prior to the date of occurrence of the 1st violation will not be counted as additional violations.
 - c. 2nd violation in a 12-month period: Written reprimand
 - d. Concurrent with the second violation, an in-depth audit of the officer's data usage will be conducted and documented by the Performance Development Unit, and will generate a formal Personnel Assessment System (PAS) review. If the audit identifies other potential violations, it may result in an additional investigation, discipline, and/or corrective training.
 - e. 3rd Violation in a 12-month period: 1 fined day
 - f. Purposeful, flagrant, or repeated violations will result in more severe disciplinary action. At any time during review, if deemed necessary, violations can be removed from the scheduled discipline above and transitioned to a formal investigation governed by the discipline matrix.
-

119.05 MOBILE FINGERPRINT DEVICES

(1) DESCRIPTION:

A handheld device used by an officer that can capture an individual's fingerprint in the field and provide a rapid positive identification to the officer. The possible identifications will be limited to subjects maintained in the searched database and does not preclude a record from existing in another database. The mobile devices are only an aid to the identification of a person and will not be used as the sole grounds for establishing probable cause for arrest.

(2) POLICY:

The device(s) will be assigned to a district station, Traffic Operations Section, Airport Division or a specialized unit/section. The device(s) will not be assigned to a specific officer, but made available to on-duty officers throughout all shifts. The mobile fingerprint device will only be used by personnel who have received training in the proper use of the equipment. An officer must be able to articulate and justify the authorized and appropriate use of the mobile fingerprint device based on policy, training, officer experience and assessment of the circumstances. The device will be issued by a supervisor to an officer at the beginning of a shift and returned to a supervisor at the end of a shift.

- a. Officers will not take fingerprints without an individual's consent, including:
 - 1. During a consensual contact or a reasonable suspicion stop, unless there is probable cause to arrest.
 - 2. When issuing a traffic citation that is not an arresting offense.
 - 3. When issuing a civil marijuana ticket.
- b. If at any time a subject withdraws consent, an officer must stop the fingerprint process immediately. Further use of the fingerprint device is NOT AUTHORIZED. An officer may not force or coerce the subject to submit to fingerprinting.
- c. All uses of the mobile fingerprint device and the manner in which consent is given will be documented on the resulting reports or in the absence of any GO, street check or summons, on the officer's log sheet. If an officer is in an assignment that does not routinely generate a log sheet, documentation can be made in the disposition fields on the fingerprint query screen.

(3) VOLUNTARY CONSENT:

- a. During a lawful reasonable suspicion contact, the mobile fingerprint device may be used in situations where the subject to be fingerprinted gives a knowing, intelligent and voluntary consent to its use.
- b. Prior to an arrest or during a lawful reasonable suspicion contact, the fingerprint device may be used with the knowing, intelligent and voluntary consent of the subject if:
 - 1. The individual to be printed is subject to an arrest warrant and there is justifiable and reasonable belief the fingerprint scan will establish or nullify the subject's identity in the execution of the warrant.
 - 2. The subject is witness to a criminal offense and the officer believes the person may have given a false or fictitious name, residence address, or date of birth.
- c. If the subject is a juvenile, the parent or legal guardian is required to give consent before the fingerprint device may be used.

(4) WITHOUT CONSENT:

- a. The mobile fingerprint device may be used without consent of the subject if:
 - 1. Following arrest to verify identity and assist in determining the appropriate arrest routing (e.g., jail, order-in, etc.).
 - 2. Authorized or required in the execution of a valid search warrant.
 - 3. Specifically required by statute or pursuant to court order.

4. The officer is conducting an investigatory stop based on reasonable suspicion and the suspect fails to produce identification.
- b. Using a mobile fingerprint device in relation to a search warrant or court order:
If obtaining a fingerprint with the mobile fingerprint device would require the use of force, a supervisor will respond to the scene to assess the situation and approve or decline authorization. If the use of force is approved, the force will be lawful, necessary, reasonable, appropriate and proportional.

(5) NON-STANDARD USE:

Non-standard use is detailed below and requires notification and authorization of a command officer. Some examples include:

- a. A traffic fatality investigation in which there is no other reasonable means of identifying a victim AND a member of the medical examiner's office is on scene and gives approval.
- b. An unknown death investigation in which there is no other reasonable means of identifying a victim AND a member of the medical examiner's office is on scene and gives approval.
- c. A homicide investigation in which there is no other reasonable means of identifying a victim AND a member of the medical examiner's office is on scene and gives approval.

(6) UNAUTHORIZED USE:

The mobile fingerprint device is not to be used for random or general investigative or intelligence gathering and any unauthorized use may result in disciplinary action.

119.06 DEPARTMENT COMPUTERS AND COMMUNICATION DEVICES

(1) COMPUTERS:

For the purposes of this policy, the term "computer" is defined to include PC desktop computers, dumb terminals, CAD terminals, mobile data terminals, computer networks, connections to external computer networks, and/or any attached device(s), such as monitors, printers, scanners, modems, and other such devices. In accordance with OMS 504.04 (1), every bureau, division, section, and unit will maintain an inventory of city owned property. This includes all computer resources.

- Technology Services will physically conduct a department computer inventory on a regular basis, and will maintain the inventory as resources are acquired, upgraded, and allocated.
 - Technology Services will compare the accuracy of their inventory report with the Inventory Control Unit of the Operations Support Division.
 - a. Computer Assignment and Allocation:
Computer resources are assigned to a bureau, division, district, section, or unit. Due to the connectivity of computers throughout the department, adverse consequences can occur when computers are disconnected from networks and moved from desk to desk, or office to office. The movement of computer equipment will only be made with the authorization and assistance of Technology Services.
 1. Command officers or supervisors needing to move a computer for efficient operation of their respective unit will first contact Technology Services to determine the technical considerations and to schedule the movement with the appropriate personnel. Timely notice will be given as much as possible. Officers will not disconnect any computer or component without the authorization and assistance of Technology Services.
 2. Requests to reassign a computer outside of a bureau, division, district, section, or unit will be directed through the chain of command to the commander of the Operations Support Division. As resources are assigned to specific locations in order to accomplish that assignment's functions, requests for computer reassignment will be weighed against the
-

agency's missions and objectives and not to serve department personnel's personal interests. In consideration of this, the Commander of the Operations Support Division will direct Technology Services to reallocate computers as necessary. Technology Services will make necessary adjustments to the department computer inventory.

3. Department personnel will not make changes to department owned computer hardware without authorization from Technology Services. This will include the addition or removal of hardware devices, changes to hardware configuration, switches or jumpers, or changing firmware (embedded software) settings.

b. **Acceptable Use:**

All computer resources, including devices, programs, and data; electronic or hard copy, owned by the Denver Police Department or the Department of Safety, will be used solely for legitimate department purposes. The use of computer resources for personal or commercial use not related to Denver Police Department business is prohibited. These computers will not be used for:

1. Transmitting, viewing, copying, or installing information that contains obscene, indecent, lewd, or lascivious material or other materials which contain information that explicitly or implicitly refers to sexual conduct.
2. Downloading, storing, transporting, distributing, relocating, or displaying sexually explicit material in any form. For the purpose of this policy, sexually explicit is defined as:
 - Any depiction of the nude human body, whether in the form of a digitized picture, cartoon, altered, retouched, or "morphed" picture, or other characterization of the human body in which it is not fully clothed. This includes any depiction in any form, which displays the individual in "bikini" type clothing, or in garments that are designed or intended to be worn under other clothing.
 - Any depiction, description, representation or discussion of sexual conduct. Also, for the purpose of this policy, the term "download" means through electronic or physical means. This includes, but is not limited to, direct internet connection, telephone dial-up connection to private, commercial internet service providers, bulletin board systems or by copying or moving from floppy disk or other removable transportable electromagnetic media.
3. Transmitting, viewing, or installing information that contains profane language or panders to bigotry, sexism, racism, or other forms of discrimination.
4. Making unauthorized copies of software that is licensed to the Denver Police Department or The City and County of Denver.
5. Installation of unauthorized software.

c. **Discipline:**

Department personnel may be disciplined for any conduct that is prohibited by or otherwise in violation of this policy.

1. Using department computers to access the internet for non-law enforcement purposes and/or for purposes not related to an employee's assignment is prohibited.
 2. Only department approved internet access is authorized. Department personnel may not use private software to access privately subscribed internet accounts on department computers.
 3. The Operations Support Division is responsible for auditing use of department computers to ensure compliance with this section.
 4. Violations of this policy may result in suspension or termination of department computer internet access; disciplinary action pursuant to the department's rules and regulations; or legal action in the form of criminal or civil penalties.
-

d. Copyright Restrictions:

Title 17, United States Code, Section 106, gives copyright owners exclusive rights to reproduce and distribute their material, and Section 504 holds copyright infringers liable for damages to the owner of the material. Title 18, United States Code, provides felony penalties for software copyright infringement.

1. Department personnel are prohibited, under any circumstances, from unlawfully reproducing, copying, or distributing software owned by the Denver Police Department or the City and County of Denver, or to install, or to use illegally-obtained software.
2. The office of the Deputy Chief of Administration, through its agents, is solely responsible for purchasing and installing all departmental computer software. Authorized agents include Technology Services and/or the Office of Safety Information.
3. Technology Services will maintain an accurate accounting of all personal computer software installed on department computers.
4. Department personnel will not install personally owned software on department owned computers without written authorization from the Deputy Chief of Administration.
5. Technology Services is required to remove any software, from any computer, that is deemed to be in violation of this section.

(2) ELECTRONIC MAIL (EMAIL):

The purpose of this policy is to set guidelines for users of the department's email system. This policy is designed to balance the trust and responsibility of all users with the complexity and inter-relational aspects of the department's computer system.

a. Acceptable use:

1. Department personnel will check email on a regular basis to ensure timely acknowledgement of information.
2. Department personnel will set up an electronic signature in accordance with city branding standards. The electronic signature will be void of non-approved images, stationary or excessive text, including but not limited to, personal and/or inspirational quotes.

a. Restrictions:

The email system is the property of the City and County of Denver and the Denver Police Department and may be monitored by the department. Users are required to comply with this policy and any other directives or policies involving the department's computer system.

1. At the request of the Chief (or designee), the department will have the right to inspect all email files of employees to correct service problems, ensure system security, retrieve records or transition work when responsible personnel are unavailable, or for other legitimate business reasons.
 2. Use of the email system will be restricted to official business that directly relates to the department personnel's assigned duties. Under no circumstances will department personnel send email from the department's email system, or from a private email system into the department email system, unless such mailing is directly related to department assigned duties.
 3. Under no circumstances will department personnel send mass email, either in a single mailing or aggregate of mailings, either from within the department's email system or from a private e-mail system into the department's e-mail system, unless such mailing is directly related to department assigned duties. Such mailing must be approved by the employee's commanding officer.
 4. All department email, whether on paper, computer diskette, hard drive, or other medium of storage, may be considered public records that are subject to the disclosure
-

requirements of the public record law and subject to public inspection under CRS § 24-72-203. Furthermore, email may be subject to discovery in litigation. Therefore, while a particular email record may be privileged under the public record law or in litigation, employees should have no expectations of privacy in either sending or receiving information by email. All computer files, including email, are the property of the Denver Police Department, regardless of their physical location or the form in which they are maintained.

5. Intentionally seeking or transmitting materials (other than that required for police business) that involve the use of obscene language, images, jokes, sexually explicit materials or any other format, message, or text that disparage the department, any person, group, or classification of individuals is prohibited. Department personnel who receive email that includes prohibited material will notify their immediate supervisor who will take appropriate action.
 - Department personnel should treat email like written memoranda. Messages deemed inappropriate for sending by written memoranda are likewise not appropriate for email.
 - **EXCEPTION:** Officers conducting criminal investigations that involve computer crimes may be required to receive, copy, or download material otherwise prohibited.
 6. Department personnel will not engage in “electronic snooping or tampering” and any such violation may subject the offender to disciplinary or other legal action.
 - “Electronic snooping” is the unauthorized attempted use of another employee’s password without the employee’s consent, or unauthorized entry to or attempt to enter the computer files and communication of another without that person’s consent, or the unauthorized entry or attempt to enter the encrypted storage of email messages.
 - “Electronic tampering” is the unauthorized interference with or changing of another employee’s password, computer files, or email, or encrypted storage of email messages.
 - b. **Confidential and Sensitive Information:**

Confidential, propriety, or sensitive information may be disseminated (or made available through networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to, the following:

 1. Transmittal of personnel information, such as salary, evaluations, complaints, grievances, disciplinary information, or related employee information.
 2. Criminal history information and confidential informant files, identification files, or related information.
 3. Intelligence files and information containing sensitive tactical and undercover information.
 - c. **Discipline:**

Department personnel may be disciplined by the department for any conduct that is prohibited by or otherwise in violation of this policy.

 1. The Operations Support Division will be responsible for auditing the department’s email system to ensure compliance with this policy.
 2. Violations of this policy may result in suspension or termination of access to email; disciplinary action pursuant to the department’s rules and regulations; or legal action in the form of criminal or civil penalties.
-

3. All employees should understand that all forms of department email and internet usage will be audited on a quarterly basis. Further, random checks may be conducted.

(3) DEPARTMENT PHONES:

The Operations Coordinator (assigned to the Operations Support Division) is the liaison between Technology Services – Communications and the police department. Any request for additional phones (cell or desk), a change in service or relocation of telephones should be directed to the Operations Coordinator.

- All incoming calls to any department phone will be answered promptly by stating the appropriate name of the assignment, along with the officer's rank and name (or name only if CS employee).
 - All department personnel will be courteous and helpful when answering the phone.
 - Calls will be transferred promptly.
 - Department phones are to be used for department business and personal calls should be limited.
- a. Department Cell Phones:
 1. All officers will be issued a department cell phone for use in the performance of their duties, and will have immediate access to the department cell phone while:
 - a. On-duty or serving in an authorized call-out capacity.
 - b. While working police secondary employment.
 2. Officers are encouraged to utilize department cell phones in providing service(s) to the community (i.e., calling complainants to obtain additional descriptions, direction of travel, or any other information which would promote the police purpose).
 3. A reasonable amount of personal use on a department cell phone is authorized, providing such use does not violate other policies.
 4. Whenever and wherever practical, lengthy calls should be made from telephones and not department cell phones.
 5. Unless written approval of a deputy chief is obtained in advance (to further an authorized investigation), officers are prohibited from making phone calls to chat lines, dating services, or any 1-900 services. Department personnel may be disciplined for any conduct in violation of this policy.
 6. Officers are prohibited from forwarding incoming calls or data from a department cell phone to a personal phone.
 7. Every effort will be made to locate a department cell phone that is lost, stolen, or misplaced. If the department cell phone is not located, the individual the phone was issued to will complete all required reports and notify the Operations Coordinator. This will minimize unauthorized use of the phone and unnecessary charges.
 - b. Workstation Telephones (desk telephones outside the PAB) - Long Distance Charges:
 1. Authorization from a command or supervisory officer will be obtained to make any long-distance telephone call.
 2. A long-distance authorization code may be obtained from the Operations Coordinator for those individuals in assignments with a continual need for long-distance telephone capabilities.
 3. If a personal long-distance call is made or a collect call is received, and the charges are being billed to the police department, notification must be forwarded to the Operations Coordinator, giving the date/time, phone number called, and person making or accepting the call.
-

119.07 STARCHASE VEHICLE PURSUIT MANAGEMENT SYSTEM

(1) PURPOSE:

The Denver Police Department authorizes the use of StarChase Vehicle Pursuit Management technology to remotely affix a global positioning system (GPS) device to vehicles that are eluding or to vehicles prior to a pursuit, when an officer reasonably believes that a suspect is likely to flee and does not have time to obtain a warrant. This policy provides direction in the safe deployment and management of the StarChase System to recover wanted vehicles and to aid in the apprehension of a criminal suspect.

(2) DEFINITIONS:

StarChase Pursuit Management System (StarChase): A compressed-air launcher mounted to the grill of a department vehicle that deploys a GPS monitoring device that adheres to a suspect vehicle with an industrial-strength adhesive compound.

(3) AUTHORIZED USE:

The use of StarChase is authorized only when an officer has identified one the following conditions:

- a. Stolen vehicle
- b. Vehicle used in a felony
- c. Vehicle occupied by an individual suspected in a felony or violent crime
- d. Vehicle with an associated felony warrant
- e. When a vehicle pursuit is authorized – See OMS 204.01
- f. When a deployment has been authorized by a supervisor who can articulate a compelling need as detailed in OMS 204.01(1)c.1

The following circumstances must also apply to deploy this device:

- Vehicle is occupied, and;
- Officers have reasonable suspicion that the vehicle is currently fleeing or will attempt to flee, and;
- The officer does not have time to obtain a warrant.

(4) SAFETY CONSIDERATIONS:

Prior to deployment, officers will consider the following:

- a. Whether the officer can safely maneuver close enough to the target vehicle for a successful tag, considering the totality of the circumstances (i.e., weather, road conditions, etc.).
- b. The presence of pedestrians who could be struck if the launched tracker misses its target.
- c. The device will not be deployed at the following vehicle types due to risk of occupant injury:
 1. At a vehicle in which occupants are exposed (e.g., convertible, etc.)
 2. At a vehicle with fewer than four tires/wheels (e.g., motorcycle, moped, etc.)
 3. Any vehicle with a damaged or missing rear window

(5) DEPLOYMENT:

The timing and decision to deploy StarChase should consider the advantage of launching the device prior to making an attempt to stop the vehicle.

- a. StarChase will only be deployed by officers who have been trained in its use.
 - b. Unless authorized to engage in a vehicle pursuit, officers will not engage in conduct that would be considered a vehicle pursuit, and a violation of the vehicle pursuit policy, in an effort to deploy StarChase.
 - c. Once deployed, officers will immediately notify a supervisor and dispatch. When a vehicle pursuit is not authorized, officers will slow down and disengage from any conduct that could be perceived as pursuing the tagged vehicle.
-

- d. When a vehicle pursuit is authorized, officers will adhere to the DPD vehicle pursuit policy – See OMS 204.01.

(6) TRACKING:

Outside of an authorized vehicle pursuit, StarChase is the primary means of locating the vehicle.

- a. Once deployed, Denver 911, the supervisor, or the supervisor's designee, will continually update officers with the speed, direction, and location of the tagged vehicle until recovered or tracking has been discontinued by a supervisor.
- b. Once deployed, a supervisor is responsible for defining the parameters of the response. The supervisor will weigh the severity of the crime with the total number of department resources needed to recover the vehicle and the distance a response is authorized if the tagged vehicle leaves the City and County of Denver.
- c. No officer will access the StarChase application while driving a department vehicle.
- d. If a tagged vehicle enters another jurisdiction, Denver 911 will notify the appropriate agency of the incident, including why the vehicle was tagged and if DPD officers are in an authorized pursuit, or if DPD is only tracking the vehicle's location for recovery purposes.
- e. The device will not be used to track a vehicle for any other purpose than to locate and recover the tagged vehicle, and apprehending suspects who were driving or were otherwise passengers at the nearest opportunity. It will not be used for other forms of intelligence gathering.
- f. Officers will remove the device once the tagged vehicle has been recovered and the scene is safe. When possible, the device should not be removed in the presence of the public or other non-law enforcement individuals.

(7) REPORTING:

Depending on the incident type, officers will complete either of the following:

- a. Vehicle pursuit reporting procedures per OMS 204.04 (4) and (5), or
- b. If a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer will describe the event on a GO report titled, "Vehicular Eluding – No Chase" and route the report to Traffic Investigations.
- c. In either instance, officers will complete and attach the StarChase Text Template to the General Occurrence (GO) report in Versadex.
- d. Once assigned, the investigative sergeant or detective will download incident data from the StarChase application and copy the information into the GO report.

(8) PROGRAM ADMINISTRATION:

- a. StarChase inventory and equipment will be maintained by the Division Chief of Patrol Office.
 - b. Deployed/used devices will be returned to the Division Chief of Patrol Office.
 - c. Communication with the StarChase vendor regarding training, equipment, and customer service will be coordinated by the Division Chief of Patrol Office.
-



120.00 TRAINING, PROGRAMS, AND SERVICES

REVISED: 01/25/2019

PAGE: 1 OF 21

120.01 CONTINUING EDUCATION PROGRAM

(1) REQUIREMENT:

The Continuing Education Program (CEP) is designed to meet the training needs of the Denver Police Department and the individual officers who comprise the department. The academy CEP Administrator develops and selects training based upon identified needs or desires expressed by the Chief of Police (or designee), requests from division/district commanders for specialized training, as well as feedback from individual officers and to comply with Colorado POST mandated training requirements. In addition to mandatory training, the variety of courses offered allow officers the freedom to select training that meets their professional needs, enhances their careers, and satisfies personal interests.

- a. For each calendar year, every officer is required to complete the designated number of hours and mandated training courses as selected by the Chief of Police through the Training Section. Some mandatory training may be based on rank or assignment. Specific training requirements for each calendar year are published by the police academy.
- b. CEP requirements may be met as follows:
 1. Completion of training mandated or offered through CEP.
 2. Completion of job-related training outside of CEP using the waiver process.

(2) ENROLLMENT PROCEDURES:

a. Registration:

Officers must register for all courses electronically utilizing the CEP web-based application. Selecting "Register for this Course" on the course description window will instantly register the officer in the course. Officers are required to attend all courses in which they are listed as "Registered" or "Approved," unless: they cancel per policy; they are cancelled or denied by their unit coordinator, or they are cancelled and/or denied by the CEP Administrator.

When registered, officers will receive instant confirmation of their registration from the web-based application; additionally, they will receive a confirmation via email, and their personal profile will reflect registration in the course.

1. Upon registration, the unit CEP Coordinator will receive an email notification; the coordinator may then electronically approve or deny the registration. If the registration is denied, officers will be notified electronically of the denial and reason for that denial.
2. Officers may review their entire CEP history and registration status of any future courses twenty-four (24) hours a day from any computer with internet access.

b. Cancellation:

Officers, who are unable to attend CEP training for which they have registered or approved, will follow established cancellation procedures.

1. Officers may cancel themselves from any course utilizing the CEP web application seven or more days prior to the start of the course. This is accomplished by changing the course status from "Registered" or "Approved" to "Cancelled by Student" and entering a reason for cancellation. Officers must click "Apply Changes" to complete the transaction.
 2. In the event of an emergency arising within seven days of the starting date of the course, the officer must notify the unit CEP coordinator of the need to cancel. The CEP coordinator may cancel the course electronically. The officer will receive an email notification of the cancellation.
-

3. In the event of an emergency cancellation required the day of the course, the officer or the officer's supervisor must contact the Academy CEP Administrator in order to excuse the officer's absence from the course.
4. In the event an officer's supervisor cancels the officer's attendance at a CEP course due to staffing restrictions, it will be the supervisor's responsibility to ensure that proper cancellation procedures are followed.
- c. Educational Records and Waiver Packets:
 1. Officers may receive CEP credit for job-related training attended outside of the Continuing Education Program. This includes officers who attend department sponsored outside schools or training, are placed on special assignment, or are excused from duty to attend approved police training schools. The current continuing education program web based application outlines criteria for eligibility of courses for CEP credit. Questions about a particular course's eligibility can be referred to the academy CEP administrator. Upon completion of a course, a waiver packet will be sent to the CEP administrator within 30 days of completion of the class. A waiver packet will consist of the following:
 - Completed waiver form
 - Copy of the course outline, training objectives, or description
 - Certificate of completion or other proof of attendance
- d. Discipline:
 1. Failure to follow established registration and cancellation procedures will result, at a minimum, in an oral admonishment/Journal Entry.
 2. Unexcused failure to attend a registered course will result in one of the following:
 - a. First violation will result in a written reprimand.
 - b. Second violation within one (1) year of date of the first violation may result in the fine of eight (8) hours off.
 - c. Subsequent violations within one (1) year of the date of violation may be dealt with more severely.

An officer who fails to attend a CEP class for which he/she has registered and also neglects to report for his/her regularly scheduled duty assignment, will be considered absent without leave and may be found in violation of OMS RR-1101.
 3. Failure to complete the annual requirement or mandatory training as designated by the Chief of Police may result in one of the following:
 - a. First violation will result in the fine of eight (8) hours.
 - b. Second violation in subsequent calendar years will result in a fine of twenty-four (24) hours.
 - c. Subsequent violations may be dealt with more severely.

(3) FIREARM PROFICIENCY:

- a. Minimum firearm qualification requirements are as follows:
 1. All sworn officers are required to successfully complete qualification and training with their service weapon(s) bi-annually (once January 1st through June 30th and once July 1st through December 31st). The Firearms Unit will establish the course of fire.
 2. Passing score for each shoot quarter is 80% of the approved course.
 3. Prior to carrying any department approved firearm, on or off duty, the officer must have passed proficiency testing during the previous twelve (12) calendar months with that firearm.

4. The Chief Firearms Officer, with the approval of the Chief of Police, will establish proficiency testing courses appropriate to each authorized firearm. The Chief Firearms Officer will maintain written records describing the course of fire. Such record will contain a description of the target, scoring system, times allowed for each stage of fire, distance from the target and other pertinent conditions such as lighting, starting positions, firing positions, etc.
 5. Completion of biannual qualification and training will count toward (2) two hours of Colorado POST firearms training.
 6. Officers will retain their copy of the shoot slip from each qualification for a minimum of one year.
 - b. Qualification schedules and frequency:
 1. The Firearms Unit may adjust or designate qualification schedules to ensure operational and training needs are met.
 2. With preauthorization of the Firearms Unit, officers may shoot more frequently, but must be on-duty, if not shooting for a required qualification. Overtime is not authorized for additional, non-required shoot time.
 - c. Denver Police Department Firearm Training Facility:
 1. Rules, regulations, and procedures for operations at the Firearm Training Facility will be posted in a conspicuous place and must be strictly adhered to.
 2. All firearms to be used at the Firearm Training Facility will be unloaded and cleared in the area provided (i.e., clearing barrels outside the entrance doors) prior to inspection.
 3. All firearms to be used at the Firearm Training Facility will be cleaned prior to being inspected by Firearms Unit personnel and all firearms must be cleaned immediately after being fired.
 - Firearms must be cleaned in the area provided, utilizing the table clearing tube when necessary.
 - The shoot slip will be issued only after the firearm is re-inspected by Firearm Unit personnel.
 - Officers are strongly urged to wash their hands after cleaning their firearm and prior to returning to duty.
 4. All visitors must be accompanied by a Denver Police Department officer and will be governed by the posted rules and regulations. No children are allowed in the Firearm Training Facility without prior approval from the Chief Firearms Officer (or designee).
 5. Any person who is not a sworn member of the Denver Police Department must have written permission from the Chief of Police (or designee) and the Chief Firearms Officer before being permitted to use the Firearm Training Facility.
 6. All officers must wear ear and eye protection when shooting on the firing line. In addition, officers within the firing area are required to wear ear and eye protection.
 - d. Failure to attend or successfully complete qualification / remedial training:
 1. Any officer who, for any reason, fails to attend the above listed required firearms training during any biannual shoot period will be required to make up the missed shoot and will qualify twice during the following shoot period, along with remedial training if deemed necessary by Firearms Unit personnel. It is the officer's responsibility to make necessary arrangements.
 2. Any officer who, for any reason (including injury, illness, suspension, extended training, leave of absence, etc.), is absent from one biannual shoot will attend remedial training if the officer fails to qualify upon their return.
-

3. Officers failing to qualify during any regularly scheduled biannual shoot period will be required to attend remedial training conducted by the Firearms Unit, until they can qualify.
 4. Remedial training sessions will include firearms safety rules, positions, sight alignment, trigger control, and grip.
 5. The Chief of Police will be advised of officers failing to qualify with an approved handgun after attending two (2) training sessions.
 6. After each biannual shoot period and annually, the Firearms Unit will generate reports delineating the following:
 - Officers who failed to attend.
 - Officers who failed to qualify.
- e. Disciplinary actions:
- An unexcused failure to shoot for qualification and training as required and described in this section will constitute a violation with the following penalties:
1. First violation will result in a fine of one (1) day.
 2. Second violation within twelve (12) consecutive months will result in the fine of (3) days and attendance at Remedial Training.
 3. The Chief of Police (or designee) may view an officer having three (3) unexcused violations within any five (5) consecutive years as a chronic offender. Discipline of chronic offenders will be imposed separate and apart from the provisions of OMS 120.01 (3) e.1 or 2, and the penalty therefore may be imposed based on the officer's entire history of failing to shoot for qualification.

120.02 SPECIALIZED TRAINING

(1) ASSIGNMENT BASED TRAINING:

Training which assists with the development of knowledge and skills particular to a specialized assignment is required and will be provided for the following positions:

- Management and supervisory positions.
 - Investigative and training positions.
 - Technical positions such as Bomb Unit, Forensics, and Evidence Division, etc.
- a. Specialized training will begin as soon as practical after an officer's assignment to such a position. Training will be obtained from sources approved by the Chief of Police (or designee).
 - b. Requests to attend advanced law enforcement training courses will be directed to the Chief of Police through the chain of command. An officer may be allowed to attend based on the following criteria:
 1. The requesting officer's demonstrated ability in the field to which the training applies.
 2. The potential for personal and professional growth resulting from attendance.
 3. Departmental needs, which would be met.
 4. The requesting officer agrees to train others when requested in the subject of the advanced training received and post-training assignment of the officer may be based on the optimal utilization of new skills and knowledge.

(2) ROLL CALL TRAINING:

- a. Roll call training will be provided as needed to keep officers informed between formal training sessions.
-

- b. Division, district, section, or unit commanding officers will require accurate records that reflect the nature of the training, the instructor, and the officers attending.

(3) REMEDIAL TRAINING:

When required, participation in remedial training is mandatory and counts toward annual in-service training requirements. The need for remedial training will be determined as follows:

- a. A deputy chief (or designee) may make the determination.
- b. Internal Affairs may make a recommendation to the Chief of Police.
- c. Remedial training for recruit or probationary officers may be immediately administered by academy personnel, police training officers, or the supervisor or commanding officer of the probationary officer.

(4) ADVANCED COMMAND TRAINING:

Extended training for individual command officers such as the FBI National Academy and Northwestern University Center for Public Safety School of Police Staff and Command are at the discretion of the Chief of Police. Officers interested in attending extended training will submit a written request through their chain of command to the Office of the Chief of Police.

(5) NON-LIVE FIRE SCENARIO AND SIMULATOR TRAINING

- a. Purpose:

The Denver Police Department maintains specialized simulator training equipment, maintained, and deployed through the Training Division. This equipment is intended to provide challenging and realistic scenario based training for sworn personnel, and includes aspects of decision making, de-escalation, situational awareness and control, and the application of force. Non-live fire training simulators include the Virtra 300 system and mobile MILO systems used throughout the department. Other department authorized systems may be incorporated to meet future needs.

In addition to electronic simulator equipment, other forms of non-live fire exercises may be used for scenario-based training, including but not limited to Simunion®.

- b. Trainers:

Only trainers authorized through the Training Division Commander may oversee non-live fire training, including but not limited to simulator exercises and scenarios. Trainers must comply with all safety rules.

- c. Safety Rules:

The Training Division establishes safety rules for all non-live fire training, the use of simulator equipment and related accessories, and Simunion®. Safety rules will include but are not limited to the securing of all firearms, ammunition, and all other weapons (lethal and less-lethal) outside of the immediate training area. All persons participating in and/or observing non-live fire training will comply with all safety instructions posted, published, and/or provided by authorized trainers. On-site trainers are in complete charge of the entirety of non-live fire training regardless of the rank of any other personnel present.

120.03 DETECTIVE, METRO/SWAT AND K-9 TRAINING PROGRAMS

(1) PURPOSE AND ELIGIBILITY:

The Detective, Metro/SWAT and K9 training programs are designed to provide officers an overview of the position and training specific to the assignment. The training program provides a career enhancing opportunity for the officer. Participation in a training program is not a pre-requisite for appointment to a detective, Metro/SWAT or K-9 technician position.

Training assignments are offered in the following areas and durations:

- Investigations: Districts and Major Crimes Night Shift Unit (2 work periods)
- Vice Narcotics Section: (6 work periods)
- Metro/SWAT Section: (2 work periods)
- a. Minimum eligibility requirements:
 - 1. Applicants must be the rank of a police officer 1st grade and below the rank of sergeant.
 - 2. Lateral hires must be a police officer 1st grade and have 36 months of continuous service from the date of their graduation from the police academy.
- b. Discipline History Assessment:

Applicants will be ineligible for a training program based on the same criteria used in the most recent Civil Service promotional process. Automatic disqualifiers can be accessed at www.denvergov.org/civilservice/.

(2) DETECTIVE, METRO/SWAT AND K-9 CANDIDATE APPLICATION PACKET:

- a. Minimum requirements:
 - 1. Cover letter (one-page maximum) and personal resume (two-page maximum).
 - 2. Previous five-year sustained complaint report, obtained from Internal Affairs Division.
 - 3. Performance evaluation reports for the prior three (3) years, to include the supervisor's journal entries and officer self-assessment addendums.
- b. Training Selection:

Selection considerations include a candidate's job performance, his/her commanding officer's discretion and assessment, and operational needs.

 - 1. Investigations and Vice Training: The application packet will be submitted to the officer's commanding officer for approval.
 - 2. Metro/SWAT Section and K-9 Unit: The application packet will be submitted through the candidate's commanding officer to the Deputy Chief of Operations for approval.

(3) TRAINING ROTATION:

- a. Detective (investigations) Training: Two consecutive work periods. There will be no vacations or ASL (assigned sick leave) granted during the training period. The Commander of the Major Crimes Division will develop the training program rotation schedule.
- b. Vice Training: Six consecutive work periods. Participants in the program are limited to using a maximum of one-half of their vacation or sick leave during the training period.
- c. Metro/SWAT and K-9 Training: Two consecutive work periods. There will be no vacations or ASL (assigned sick leave) granted during the training period. The training program schedule will be developed by the commander of the Special Operations Division.

(4) PERFORMANCE EVALUATION:

- a. Participation in a training program will be documented as an "Action Plan" in the officer's performance evaluation.
- b. Upon completion of any training program, the officer's home assignment supervisor will solicit feedback from the training supervisor(s) and document the officer's performance.

120.04 BILINGUAL OFFICER PROGRAM

(1) POLICY STATEMENT:

The Denver Police Department strives to provide effective, efficient, and equitable service to all individuals regardless of their ability to speak, read, write, or understand English. Police service delivery

options are available to limited English proficiency (LEP) individuals, enabling them to communicate effectively with the department in person, over the phone, in writing, and through electronic media.

The most effective method for providing quality service to LEP individuals is through bilingual officers. The goal for field officer staffing is to achieve a representation for each identified language group in a district's service area.

(2) DEFINITIONS:

- a. Bilingual officers are defined as those officers who are certified as proficient in a language other than English and designated as bilingual officers in accordance with procedures published by the Chief of Police (or designee).
- b. Languages compensated under the bilingual program are; Spanish, Russian, Vietnamese, Thai, Japanese, Mandarin Chinese, and Sign. Other interpretation services will be provided through the Language Line.
- c. Compensation Rate: Compensation will be in addition to the officer's rate of pay (per the current collective bargaining agreement) based on two (2) levels of demonstrated proficiency.
- d. Levels of Proficiencies: The bilingual officer program will consist of two language proficiency levels as determined by language translation academics.
 1. **Level II** - Use the language with sufficient vocabulary for effective formal and informal conversations (\$150 per month).
 2. **Level III** - Use the language fluently and accurately, spoken and written (\$200 per month).

CS personnel will be compensated according to CS Rules and Regulations.

(3) ELIGIBILITY:

- a. Patrol officers through the rank of captain are eligible for bilingual compensation; appointed positions of commander and above are not eligible for compensation.
- b. Officers wishing to join the program will submit a written request, identifying the language to be tested, through the chain of command to the Office of the Deputy Chief of Administration.
- c. CS personnel interested in receiving bilingual compensation will submit a "Request for Bilingual Testing" form through their chain of command to the Office of the Deputy Chief of Administration. The form is available through Safety Human Resources.

(4) TESTING:

Bilingual testing will be conducted by professional certified administrators for sworn personnel. The certified administrators will develop and administer a bilingual proficiency English/target languages examination program, for proficiency levels II and III. CS personnel will be tested through the Career Service process.

(5) REQUIREMENTS TO MAINTAIN BILINGUAL COMPENSATION:

- a. Completion of continuing education hours as determined by the certified administrator. Officers will be notified of the CEP requirement.
 - b. Regardless of the number of times an officer interprets, and/or translates in a given shift, only one TeleStaff entry per shift will be made documenting total time spent utilizing their bilingual skill. Supervisors will review and approve the entries.
 - c. The Deputy Chief of Administration will designate a member of the department to conduct an annual audit to determine the interpreting/translating activity level of officers receiving bilingual compensation. Continued eligibility in the Bilingual Officer Program will be determined based on an assessment of the audit report and officers removed from the program for lack of interpreting/translating activity will not be eligible to retest for one year.
-

- Bilingual tracking will be conducted through TeleStaff. Officers will document time spent utilizing their second language. The purpose of the entry is to track the employee's skill utilization in this area and provide documentation for the officer's performance evaluation.

120.05 NALOXONE PROGRAM

(1) **PURPOSE:**

With the timely administration of an opioid antagonist (naloxone), an opiate overdose may be reversible and the deployment of such has been shown to be a safe and effective step towards reducing opiate overdose deaths. The Denver Police Department's Naloxone Program is to address incidents when an officer comes into contact with an individual experiencing a suspected opiate overdose and the officer has the opportunity to administer an opioid antagonist prior to the individual receiving aid from emergency medical services (EMS). Absent officer safety and/or other tactical considerations, the officer has the ability to create a "window of opportunity" for the individual to recover from an opiate overdose, therefore potentially reducing the number of fatalities that can occur.

(2) **POLICY:**

The Denver Police Department authorizes all officers trained in the Naloxone Program to carry and administer department issued naloxone to individuals whom are suspected to be suffering from an opiate overdose.

Identified in CRS §13-21-108.7(3), officers have been granted general immunity under state law when acting in good faith to administer an opioid antagonist to another person whom the officer believes is suffering from an opiate-related drug overdose.

(3) **DEFINITIONS:**

Clinical Director: The clinical director will be a medical doctor who is licensed to practice medicine in the City and County of Denver. The clinical director will provide medical oversight to ensure a safe and responsible program. At his/her discretion, he or she may make recommendations regarding the policy, training and administration of the program. The Denver Police Department will maintain an affiliation with the clinical director throughout the duration of the program.

Opiate: An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (synthetic). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain and induce sleep. Commonly encountered opiates include, but are not limited to: morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet® and Percodan®) and hydrocodone (Vicoden®).

Opiate Overdose: Life threatening depression of the central nervous and respiratory system caused by the intentional abuse or unintentional overuse of an opiate drug, used alone or in conjunction with another substance with which the effects of the opiate drug is intensified. Symptoms of the individual will include: being unresponsive to a sternum rub, unconsciousness, absence of breathing, including willow breathing coupled with choking sounds/gurgling, lethargy, confusion, bluish lips or nail beds.

Naloxone: Naloxone is a pure opioid antagonist that can counter the effects of an opiate drug overdose, by having a stronger affinity to the opioid receptors in the brain, temporarily blocking the effects of the opiate in the body and allowing the overdose victim to recover from respiratory depression. Naloxone only works if a subject has opiates in their system and has no effect if opiates are absent. Naloxone is generally effective within 5-10 minutes and will remain in the system for approximately 30 minutes.

Naloxone Program Coordinator: The Naloxone Program Coordinator is the Division Chief of Administration (or designee). The coordinator will track/review all reports of naloxone usage and will be responsible for any subsequent reporting to any city, state or federal agency as required by law. In addition, the coordinator will keep a log of all naloxone issued, used, expired, damaged, lost or stolen.

Universal Precautions: General infection control precautions meant to reduce the risk of transmission of blood borne pathogens and other bodily fluids from non-intact skin, mucous membranes or by other

means from both recognized and unrecognized sources. General precautions include minimizing exposure to blood and/or other bodily fluids by the use of personal protective equipment (i.e., latex gloves) when appropriate and the officer continually recognizing and assessing his/her own personal risk.

(4) DEPLOYMENT:

Naloxone will be provided to officers in the following assignments/locations and these officers may also carry this item while working off-duty assignments:

- Patrol
- School resource officers
- Narcotic investigation units
- All district station holding cell areas
- Information Desk Section (Police Administration Building)
- Juvenile Section
- Other areas of the department as determined by the Chief of Police

(5) TRAINING:

Officers must watch the Naloxone Program training video prior to carrying and/or administering the drug.

(6) NALOXONE ADMINISTRATION PROCEDURES:

The first priority of all officers is scene safety. Mitigating any potential threats prior to providing medical assistance will remain the most important task, because once treatment begins, officers may quickly lose any tactical advantage due to the fact they will be kneeling, crouched, and/or have their attention diverted during the evaluation, setup, and administration of naloxone. Officers must be mindful that individuals who are revived from an opiate overdose often regain consciousness in an agitated/physically combative state and may exhibit symptoms associated with withdrawal.

When an officer arrives at the scene of a medical emergency, prior to the arrival of EMS, and has made a good faith determination (considering the statements of any witnesses and/or family members regarding the individual's drug use) that the individual is suffering from an opiate overdose, the responding officer will:

- a. Request the response of an ambulance - Code 10.
 - b. If the person is apparently unconscious, perform a sternum rub to ensure the individual is unresponsive and a potential candidate for naloxone usage.
 - c. To be considered a candidate for naloxone administration, the individual should be unconscious/unresponsive and have a lack of (or severely reduced) respirations, possibly attributable to an opiate overdose.
 - d. If the individual is suffering from an apparent opiate overdose, naloxone will be administered in the following manner:
 1. Utilize universal precautions by wearing latex gloves and practice body substance isolation.
 2. Administer the naloxone.
 3. Advise the dispatcher to notify responding EMS personnel that naloxone was administered.
 4. When respirations are restored, officers (being cautious of the combative actions often induced by the drug while regaining consciousness) should move the victim into the recovery position (on their side) to prevent pulmonary aspiration in the event of vomiting and continue to monitor the individual until paramedics arrive.
 5. If the individual does not respond within 3-5 minutes and a second dose of naloxone is available, repeat the administration.
-

6. Once administered, the individual must be evaluated by responding EMS at the scene.
 7. Normal CPR/AED protocols will apply if at any time a loss of pulse is identified.
 8. The treating officer will immediately inform responding EMS personnel of the individual's condition upon arrival, including any physical indicators, witness statements provided and/or any other information that led to the belief that the individual was suffering from an opiate overdose.
 9. Whenever an officer administers naloxone, the used cartridge will be placed into the Property Management Section as evidence. NOTE: If the individual dies, all normal procedures for reporting a homicide or known/unknown dead must be followed.
 10. Following usage, a replacement cartridge must be obtained from Uniform/Stationery Supply.
- e. After the medical assist, officers will:
1. Report the incident by completing the NALOXONE DEPLOYMENT form within the RMS street check (*required*). The street check must detail the nature of the incident and the medical care the individual received. All reports will be reviewed by the Naloxone Program Coordinator for statistical analysis.
 2. Identify if any illegal activity has occurred and charge the individual with the appropriate ordinance and/or statute.

(7) STORAGE AND REPLACEMENT:

- a. Storage
1. Officers are responsible for storing the naloxone cartridge in a safe and secure manner so that the contents remain intact and readily available. Once assigned, officers are required to carry or have immediate access to the naloxone cartridge when on-duty in their normal assignment.
 2. Ideally, naloxone should be stored between 68 °F and 77 °F and may become ineffective if subjected to extreme heat or cold; therefore, it should be stored in the interior of the department vehicle and only during the officer's duty hours.
- b. Replacement
1. The naloxone provided will include an expiration date. Officers are responsible for checking the expiration date and performing an exchange with Uniform/Stationery Supply prior to that date.
 2. All damaged, lost, or stolen Naloxone cartridges will be immediately reported to a supervisor. Damaged cartridges will be taken to Uniform/Stationery Supply and exchanged on a one-to-one basis. Lost or stolen kits will be reported on a LOST/STOLEN PROPERTY report within the RMS and forwarded to the Naloxone Program Coordinator for inventory control. The program coordinator will ensure that the officer receives a replacement cartridge.

120.06 TACTICS REVIEW BOARD

(1) OVERVIEW:

The primary function of the Tactics Review Board is to review tactical situations or incidents reported on a Use of Force Report, an After Action Report, a Vehicular Pursuit Report, or a Police Vehicle Accident Report, where there is a possible deviation from department training, policy, or procedure. These do not include incidents reviewed by the Use of Force Review Board, except as requested. The Tactics Review Board will conduct its review to determine compliance with existing policy and procedure; the need for revisions to policy, procedure, or training; proper management of the situation by supervision and command; and commendatory actions. The secondary function of the Tactics Review Board is to review

and make recommendations on tactics under consideration by the department for adoption as a tactical option.

As used in this policy, the term tactics is defined as the strategies and techniques employed by officers designed to reduce risk to themselves or others to achieve a legitimate police goal. These include, but not be limited to, the elements of communication, vehicle operation, arrest control, crowd control, less-lethal force, firearms, search, movement, cover and concealment, and positions of peril.

(2) TACTICS REVIEW BOARD COMPOSITION:

- a. The non-voting chair will be the commander of the Conduct Review Division.
- b. The Division Chief of Administration will select a department member with demonstrated experience in police tactics and officer safety to serve as a non-voting advisor. This advisor will also assist with the screening of reports for eventual review by the Tactics Review Board, and with research into tactics under consideration for adoption by the department as a tactical option.
- c. The Chief of Police will appoint seven voting Tactics Review Board members with demonstrated experience in police tactics and officer safety.
 - One member of the Tactics Review Board will be from the rank of Police Officer 1st Grade, Corporal, Technician, or Sergeant.
 - No more than two members may be appointed from outside of the department. These members must have superior knowledge and demonstrated ability in the areas of police tactics and officer safety.
- d. If any member of the Tactics Review Board is not able to attend a meeting, the Chief of Police or the commander of the Conduct Review Division may appoint a temporary replacement for that meeting. This temporary board member will meet the same requirements as other Tactics Review Board members.

(3) CASE SELECTION:

- a. The Division Chief of Administration (or designee) will screen all use of force reports and after action reports. The commander of the Conduct Review Division will review all vehicular pursuit reports and police vehicle accident reports.
- b. The Division Chief of Administration will recommend a Tactics Board review of those cases in which there is any question regarding the tactics employed during the incident or where there is a possible deviation from department training, policy, or procedures.
- c. Cases involving the demonstration of innovative or superior tactics will also be reviewed.
- d. The Chief of Police may also direct that the Tactics Review Board review a particular incident.
- e. Any supervisor or command officer may recommend a review of a particular incident by the Tactics Review Board.

(4) TACTICS REVIEW BOARD PROCEDURES:

- a. The Tactics Review Board will meet on an as needed basis as determined by the commander of the Conduct Review Division.
 - b. Witnesses may be requested to provide additional information to the Tactics Review Board
 - c. All recommendations of the Tactics Review Board will be based on a majority vote. **EXCEPTION:** In the case of a tie, the Tactics Review Board Chair will cast the deciding vote.
 1. In the event of a case that has not already been reviewed by the Use of Force Board, recommendations by the Tactics Review Board for disciplinary action will be forwarded to the Internal Affairs Division for investigation based on the facts of the alleged infraction.
 2. Recommendations for changes to policy or training will be forwarded to the Chief of Police.
-

3. In the event of a case that has not already been reviewed by the Use of Force Board, recommendations by the Tactics Review Board for commendatory action will be forwarded to the involved officer's commander. The involved officers' commander (or designee) will then be responsible for the following:
 - Approve or reject the Tactics Review Board recommendation for a commendation.
 - If approved, complete and submit a formal request for commendation using procedures outlined in OMS 503.02.
4. Recommendations for additional training of the involved officer(s) will be forwarded to the Chief of Police. If deemed appropriate, the Chief of Police may forward the recommendation to the appropriate commander.
 - a. The involved officer's supervisor will ensure that the officer receives training on the tactic in question. This training will be coordinated with, but not necessarily given by, Training Division personnel.
 - b. The supervisor will document specific details of the training on a DPD 200 and will make a Journal Entry that the training was administered.
 - c. The DPD 200 and a copy of the Journal Entry will be retained in the officer's station personnel file and a copy forwarded to the Training Division for inclusion in the officer's training file.
 - d. Cases that have come to the Tactics Review Board from the Use of Force Review Board via a request for an advisory opinion will be reviewed and recommendations made. Upon completion of its review, the Tactics Review Board will return the entire case, including recommendations, to the Use of Force Review Board. Recommendations for changes in policy or training will also be forwarded to the Chief of Police.

(5) SUBMITTING PROPOSED TACTICS FOR REVIEW AND CONSIDERATION:

- a. Department personnel who become aware of a technique or tactic that may be beneficial to the department may request that it be considered for adoption as a tactical option.
- b. The tactic should be fully described on a DPD 200. Included should be a list of other law enforcement agencies that employ the tactic, if any. Supporting documentation such as training materials, video demonstrations, or other law enforcement agencies' policies and procedures regarding the tactic, should be included when available.
- c. The packet of documentation will be forwarded through the chain of command to the commander of the Conduct Review Division. Copies will also be forwarded to the Training Division and the Less-Lethal Coordinator.
- d. When the Tactics Review Board feels there were tactics employed in a situation under review that may warrant consideration by the department for adoption as a tactical option, they will be forwarded to the Training Division for assessment and recommendations.
- e. The Training Division and the Less-Lethal Coordinator will review the information and give their written opinion regarding the proposed tactic to the Chief of Police.
- f. If approved, the Training Division will develop and implement a training plan for the new tactic, including whether the training will be conducted by Training Division personnel, at the division/section/unit level, or by some other source.
- g. Officers trained in the new tactic will have the training documented in their training records.

(6) RECORDS:

The Conduct Review Division will retain all records of the Tactics Review Board. Tactics Review Board records are confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.

120.07 CRISIS INTERVENTION

(1) PURPOSE AND OBJECTIVE:

Crisis intervention is an inherent part of policing and officers routinely contact citizens that are experiencing an emotional crisis, living with mental illness, are intellectually disabled or developmentally disabled, and/or are living with other organic brain issues (mental/behavioral health conditions). Officers regularly utilize crisis intervention skills and strategies to de-escalate and/or verbally influence individuals that may be in crisis or have challenges with communication due to mental/behavioral health conditions.

To reduce repeat calls for service, enhance public safety, and better serve individuals living with mental/behavioral health concerns, the Denver Police Department has established an infrastructure to help identify, assess, and address the needs of those individuals, while remaining in alignment with the police mission. By working with community stakeholders and mental/behavioral health service providers, individuals in need of crisis intervention may be directed to more appropriate resources and support systems.

(2) DEFINITIONS:

Crisis Intervention Training (CIT): An innovative first responder model of police-based crisis intervention curriculum that combines community, health care and mental health advocacy partnerships. CIT is a program that provides the foundation necessary to promote community solutions to assist individuals with mental illness and/or individuals that may be in crisis.

(3) INFRASTRUCTURE:

- a. **Crisis Intervention Team Training Coordinator (CITTC)**
The CITTC is assigned to the Training Division and is responsible for the development and implementation of crisis intervention, de-escalation, and mental/behavioral health training.
- b. **Crisis Intervention Response Unit (CIRU)**
This unit utilizes licensed mental health professionals, working in collaboration with Denver police officers to address mental/behavioral health concerns. In addition to working with the Denver Police Department, the clinicians hold positions within the Denver Sheriff Department to further address mental/behavioral health concerns.
- c. **Crisis Intervention Team Coordinator Sergeant (CITCS)**
Each district station will have at least one designated CITCS, whose role is to be aware of individuals within their district who may be high utilizers of first responder services, escalate in behavior, be a potential danger to themselves and/or others, or may be decompensating in their ability to care for themselves appropriately. The CITCS will collaborate with Crisis Intervention Response Unit (CIRU) clinicians to develop a plan that will address the concern. When necessary, an officer will be assigned as a resource to help address the issue. Generally, each plan will involve connecting the person with appropriate mental/behavioral health resources and service providers. Following plan implementation, the CITCS will reassess as needed.
- d. **Investigative Unit Sergeants**
Investigative unit sergeants will screen all General Occurrence (GO) reports for mental/behavioral health concerns. Reports believed to have those concerns will be flagged and documented and sent to the appropriate district CITCS for assessment and consideration of implementing an action plan.

(4) TRAINING:

The CITTC will ensure all necessary department personnel receive CIT training and/or refresher courses as prescribed by the Training Division.

(5) PROCEDURES - GENERALLY:

- a. Anytime a citizen or officer makes a request to have a CIT officer present, the dispatcher will be notified of the request.
-

- b. CIT officers will be dispatched to calls when the information received by Denver 911 indicates that an individual with mental illness, mental disabilities, or suicidal tendencies is present. When available, CIT officers will volunteer for these types of calls for service.
- c. CIT officers will handle all CIT-related calls for service in the same manner as other calls for service. In addition, however, CIT officers will:
 - Be both allowed and encouraged to use as much time as they deem reasonable and necessary to successfully de-escalate individuals in crisis.
 - Use appropriate time and distance tactics to their advantage to successfully de-escalate individuals in crisis. CIT officers may retreat as a positive tactic
 - Use appropriate safety tactics to protect themselves and individuals in crisis, along with others that may be affected.
- d. CIT officers will use cover officers who are armed with less lethal and/or lethal weapons when appropriate.
- e. Once CIT officers are engaged in negotiations; they will be in control of the scene until relieved by a superior officer or department hostage negotiator.
- f. CIT officers are permitted and encouraged to cross district boundaries to handle CIT related calls for service when needed.

(6) PROCEDURES – CIT RESPONSE AND REPORTING:

- a. Processing Persons with a Mental Illness – See OMS 104.30.
- b. Protective Custody – See OMS 104.48.

120.08 POLICE HONOR GUARD AND RIFLE TEAM

(1) ORGANIZATION OF POLICE HONOR GUARD:

- a. Officers, while serving as members of the honor guard, are attached to the Traffic Operations Section.
- b. Officers receive all orders pertaining to the commitment and operation of the honor guard from the commanding officer of the Traffic Operations Section.

(2) FUNCTIONS ATTENDED BY THE POLICE HONOR GUARD:

- a. All requests for the appearance of the police honor guard will be sent through official channels to the Commander of the Special Operations Division, who will have final approval authority.
 - 1. These functions may include such events as parades, inaugurations, ceremonies held for visiting dignitaries, or athletic events.
 - 2. All requests for the police honor guard will be made a minimum of three (3) days prior to the appearance date to allow adequate time for planning and personnel allocation.
- b. The police honor guard may participate in the funerals of:
 - 1. Denver police officers on active duty at the time of their death.
 - 2. Retired Denver police officers, when authorized by the Commander of the Special Operations Division.
 - 3. Police officers or dignitaries throughout the State of Colorado and the nation, when authorized by the Chief of Police.

(3) POLICE RIFLE TEAM:

- a. The police rifle team, assigned from the Metro/SWAT Section, will be detailed to the funerals of officers killed in the line of duty.
-

- b. Requests for the police rifle team will be directed to the Commander of the Special Operations Division.

120.09 RESILIENCY PROGRAM

(1) PROGRAM MISSION:

The Denver Police Resiliency Program is a resource dedicated to the mental and physical resiliency of all department personnel.

(2) PROGRAM COORDINATOR:

The program coordinator will be the rank of lieutenant or above. The coordinator will be located at the Denver Police Academy and will report to the Deputy Chief of Administration or his/her designee.

Coordinator Responsibilities:

- Refer employees to the appropriate employee assistance or psychological services
- Collaborate with peer support and psychological services on policies and training related to the program
- Monitor recovery of employees participating in the program
- Develop training for employees and supervisors regarding substance abuse and employee assistance options
- Work with the Limited Duty Coordinator and Safety Human Resources Division to arrange time off, or FLMA for employees seeking assistance

(3) REFERRALS:

The following referral options are available for an employee going through an alcohol or legal substance abuse problem, or mental health crisis:

- a. Self-referral – This may be directly from the employee, a peer, or a member of the employee's family.
- b. Supervisor referral – The supervisor of the employee may recognize that the person is struggling or having difficulties with alcohol, drugs, or mental health issues.
- c. Self-referrals or supervisor referrals may be made directly to the program coordinator, or a member of peer support.
- d. Internal Affairs Division / Safety Department – This would be because of criminal behavior or a serious misconduct incident of an employee
 - IAD will not participate in, nor have access to an employee's referral or treatment information, unless it is because of sustained discipline imposed by the Executive Director of Safety, or mandatory fitness for duty evaluation imposed by the Chief of Police.
 - Participation in this program will not replace any formal discipline or administrative action taken by the department because of misconduct by department personnel. Sworn employees participating in the program would still be subject to the conduct review process, while career service employees would be subject to the Denver Career Service discipline process.

(4) CONFIDENTIALITY:

All referral or treatment information pertaining to an employee will be kept confidential. Confidentiality is considered a vital component of the Resiliency Program and promotes trust to those seeking help or seeking assistance on behalf of a peer.

Confidentiality cannot be maintained if:

- a. A person poses a clear and present danger to himself/herself/others.
-

- b. He or she has committed, confessed to, or revealed details of a serious crime or serious misconduct, including child abuse, child neglect, or crimes against at-risk persons.

120.10 EMPLOYEE ASSISTANCE RESOURCES

(1) POLICE PSYCHOLOGICAL SERVICE UNIT:

- a. Emergency contact of the police psychologist can be done through the police dispatcher or at the psychologist's office during normal working hours.
- b. Officers or families (spouses and dependent children) seeking confidential counseling should call the psychologist's office and arrange for an appointment. The office phone number is found in the department telephone directory.
- c. The psychologist will be available to all officers and/or families, irrespective of the chain of command. Only the Chief of Police may mandate that an officer be seen by the police psychologist.
- d. The psychologist will supervise the Denver Police Department Peer Support Program and the volunteers involved in the program.
 - 1. The Peer Support Program provides confidential emergency intervention, assessment, and direction to other available resources, when indicated, in alcohol and related problem areas. The only exception to the rule of confidentiality is information dealing with criminal activity. Officers serving as peer support advisors are required to report such information to the appropriate authority.
 - 2. Peer support project members are volunteers from the Denver Police Department and are trained under the direction of the police psychologist.
 - 3. Project members can be contacted through the police psychologist's office during normal business hours. After normal business hours, project members can be contacted through their answering service.

(2) CHAPLAINS UNIT:

The Denver Police Department's Chaplains Unit is an organization of volunteer clergy, which serve at the pleasure of the Chief of Police. The unit provides spiritual and emotional resources to the Denver Police Department, its officers, and family members. Police chaplains also help in the overall community policing effort.

By-laws:

- The Chaplains Unit will be guided by and held to the established by-laws of the unit.
- Chaplains will be responsible for following unit protocol.
- Chaplains must meet the qualifications and fulfill the duties of the Police Chaplains Unit.

(3) COMPSYCH (GUIDANCE RESOURCES):

Through the City and County of Denver, ComPsych provides confidential and no-charge employee assistance and counseling related to wellness, relationships, finances, legal concerns, lifestyles, work, education and home and auto concerns. More information is available at guidanceresources.com or by calling their consultation line at 1.877.327.3854.

120.11 POLICE RESERVE UNIT PROGRAM

(1) PURPOSE:

The primary purpose of the Denver Police Reserve Unit is to assist the police department in completing the police mission and to augment the strength of the department.

(2) TRAINING:

Reserve police officers will be trained more than the minimum standards required by Colorado POST.

(3) AUTHORITY:

- Reserve police officers are commissioned by the Executive Director of Public Safety as special officers to serve at the pleasure of the Chief of Police, without pay, and are authorized to carry firearms when acting in their official capacity as reserve officers on authorized assignments or in accordance with their CCW Permit issued by the Chief of Police.
- Reserve officers have and may exercise police powers and authority only when in uniform on an authorized assignment, within the City and County of Denver.
- Reserve officers will be assigned and function in accordance with CRS §16-2.5-110, which reads in part:
 - (l)(b) "Reserve officer" means a person authorized by a city, city and county, town, county, or state institution of higher education within this state to act as a reserve police officer, reserve deputy sheriff, or reserve town marshal for certain specific and limited periods of time while the person is authorized to be on duty and acting at the express direction or under the direct supervision of a fully POST - certified peace officer pursuant to section §16-2.5-103, §16-2.5-105, §16-2.5-108, or §16-2.5-120. A reserve officer is a peace officer while engaged in the performance of his or her duties whose authority will be limited to the authority granted by his or her authorizing agency.
 - (6)(a) "Direct supervision" means an assignment given by a fully POST - certified peace officer to a reserve officer, which assignment is carried out in the personal presence of, or in direct radio or telephone contact with, and under the immediate control of, the fully POST - certified peace officer.
 - (6)(b) "Express direction" means a defined, task-specific assignment given by a fully POST - certified peace officer to a reserve officer. The fully POST - certified peace officer need not be present while the reserve officer carries out the assignment.

(4) RESTRICTIONS AND REQUIREMENTS:

Reserve police officers:

- a. Are subject to specific restrictions and requirements of the department as outlined in the Denver Police Department Operations Manual.
- b. Hold no rank or grade within the Denver Police Department. They are required to follow all lawful orders or directions from members of the Classified Service.
- c. Will only work assignments approved by their chain of command at their assignment or by the Reserve Coordinator. All reserve assignments must conform to the parameters set forth in CRS §16-2.5-110(1).
- d. Will wear, on both sleeves of their long-sleeved shirt, short-sleeved shirt, sweater, raincoat, summer jacket and winter coat the approved reserve emblem (patch). This patch will be permanently affixed, centered ½" below the shoulder seam.
- e. Are ranked by levels based on their time in service. Designating levels allows all supervisors and command officers immediate access to the limitations of any reserve officer who is assigned to their district.
- f. Are suitable (non-recruit reserve officers) to work special event assignments such as parades, motorcades, etc., in a solo capacity on a static assignment during the event. The primary focus will be on traffic direction and crowd management, not calls for service.

(5) ASSIGNMENTS:

Reserve officers of any level cannot be used to meet minimum staffing levels. Reserve officers can be used to supplement staffing, but not to supplant it.

(6) IDENTIFICATION CARD:

Reserve levels will be noted on the "Rank Line," of the departmentally issued identification card. They will be noted as:

- Reserve Recruit Officer
- Probationary Reserve Officer (No CCW)
- Reserve Officer (Colorado CCW approved)

(7) LEVELS:

Advancement through the various levels will be based on satisfactory performance as documented by supervisors, training requirements, and time in service. Retired or retiring Denver police officers with valid POST certification may apply to advance directly to reserve officer status. Applications for advancement will be evaluated on a case-by-case basis and require approval of the Chief of Police (or designee).

a. Reserve Police Recruit Officer:

1. Must successfully complete academy training and the Police Training Officer (PTO) Program.
2. Are not approved for a concealed carry permit.
3. Will receive a reserve recruit identification card.
4. Will be allowed to work only as a trainee officer. They will always be under the direct supervision of a full-time Police Training Officer (PTO), academy trainer, or supervisor.

b. Probationary Reserve Police Officer:

1. Upon satisfactory completion of reserve academy training and field training (PTO), the reserve recruit police officer will automatically advance to the probationary reserve police officer position.
2. Probationary reserve police officers will receive an updated reserve identification card with no CCW permissions. Probationary reserve police officers will not be granted CCW permissions.
3. Probationary reserve officers will be assigned to a patrol district and may work in any uniform capacity. They will be assigned with a full-time officer as part of a two-officer car and any type of call may be assigned. Probationary reserve police officers will not be assigned as a solo patrol officer.

c. Reserve Police Officer:

1. Probationary reserve officers who have completed at least 18 months (288 hours) of satisfactory service and level one crisis intervention training, will advance to the reserve police officer position. On a case-by-case basis, the Chief of Police (or designee) may authorize retired or retiring Denver police officers an immediate appointment to this status.
2. Reserve officers with appropriate authorization can work in any capacity, including assignments outside of patrol.

d. Patrol Function (District and Traffic Operations assignments):

1. Unless they have achieved authorized solo patrol status, reserve officers will be assigned with a full-time officer as part of a two-officer car and any type of call may be assigned.
 2. Following five years (960 hours) of satisfactory service, or prior service as a full-time Denver police officer, reserve officers may apply through the chain of command to the Chief of Police for authorization to work a solo assignment. The Chief of Police may (at his/her discretion) require additional training or hours of service before authorizing this status.
-

3. Reserve officers are eligible for the same CCW permissions as full-time police officers. At their request, they may receive an updated identification card with CCW information on the reverse side of the card.
4. Reserve officers will not fraternize with reserve police recruits while they are enrolled in academy training.

(8) SENIORITY:

Seniority within the Reserve Police Unit is based solely on length of service.

(9) CHAINS OF COMMAND:

Reserve officers will observe two parallel chains of command:

Program Administration	District / Assignment
Executive Director of Public Safety	Commander
Chief of Police	Lieutenant
Deputy Chief of Operations	Sergeant
Reserve Unit Administrator, Academy	Corporal
District Reserve Coordinator	Officer/Detective/Technician

(10) DISCIPLINE AND PERFORMANCE:

- a. District or division supervisors should note on a DPD 200 any exemplary or below standard performance on the part of reserve officers assigned to their unit and forward those records to the Reserve Unit Administrator, where they will be placed in the officer's permanent file.
- b. Reserve officers will ensure that their conduct complies with the operations manual, the Reserve Police Unit and the mission, vision and values of the Denver Police Department.
- c. Substandard performance or violation of rules and regulations may result in immediate dismissal from the reserve force.
- d. District Reserve Coordinators, in conjunction with their commander, will resolve informal discipline and performance issues and provide documentation to the Reserve Unit Administrator. Reserve Program performance issues and progressive discipline will range as follows:
 - Oral Reprimand
 - Written Reprimand
 - Dismissal

Nothing in this policy precludes the normal investigation of formal cases by the Internal Affairs Division. Supervisors will follow all procedures related to the investigation of alleged misconduct according to OMS 503.01.

- e. Reserve officers are required to qualify with their approved sidearm the same as regular Denver police officers, with the following exceptions as it relates to discipline for failure to shoot:
 1. 1st failure – Written Reprimand
 2. 2nd failure – Dismissal
- f. Reserve officers who have been issued a concealed weapons permit (CCW) must qualify with their off-duty weapon at least once each calendar year. Discipline for failure to qualify with off-duty weapons may range from loss of the CCW permit to dismissal.

(11) REPORTING REQUIREMENTS:

Reserve officers:

- a. Will report for duty in accordance with departmental rules and regulations. Reserve officers who are late for duty more than three times in any continuous 12-month period may be dismissed from the Reserve Police Unit.
- b. May be required to work up to 112 hours per month during reserve academy training and 80 hours per month during field training (Police Training Program).
- c. Upon completion of reserve academy training, will be assigned to a patrol district on a semi-permanent basis. Requests for transfer must be submitted through the program administration chain of command.
- d. Upon successful completion of the Police Training Program, must work a minimum of two district patrol shifts (at least 16 hours total) per month to be retained by the Reserve Police Unit. Any other duty requirements such as CEP classes and firearms qualification will be counted towards the patrol hour minimum. Additional non-patrol activity beyond the minimum required, such as additional CEP classes or voluntary range time, will not count toward patrol hours. Requests to work any patrol shift less than 8 hours in duration must be pre-approved by a District Reserve Coordinator. Additionally, requests to meet the 16-hour requirement by working shifts outside the officer's regular assignment (i.e. special events, traffic, etc.) must be pre-approved by the Reserve Unit Administrator.
- e. May request leave of absences for periods of up to 60 days. These requests must be submitted in writing to and approved by the Reserve Unit Administrator.
- f. Will maintain an accounting of all hours worked in the department's TeleStaff system. This includes all hours worked on required district assignments, continuing education, handgun qualification, court, etc. All reserve hours will be entered under the "Reserve Hrs Wrkd" TeleStaff work code. A description of the activity will be entered under the "Note" field. The TeleStaff system will be used for authorized reserve officer's activities only. Reserve officers will not receive credit for hours worked if the activity is not entered into TeleStaff.
- g. Are required to attend a minimum of twenty-four (24) hours of departmentally approved Continuing Education Program classes each calendar year, and any other required mandatory training. At least twelve (12) of the twenty-four (24) hour training minimum will be in designated skills training (arrest control, driving, and firearms). Of the twelve (12) hour minimum skills training, officers must complete at least one (1) hour of training in each category.

(12) OUTSIDE EMPLOYMENT RESTRICTIONS:

The Denver Police Department reserves the right to dismiss any reserve officer or reject any reserve officer applicant with private or public-sector employment that shows or implies a conflict of interest or is one that reflects unfavorably on the good order or reputation of the department.

Reserve officers are not restricted from working in or accepting positions or employment in the private or public sector, with the following prohibitions:

- a. Reserve officers while off-duty have no police powers or authority. Any employment based on these powers or authority or the suggestion of powers or authority is unacceptable and will be grounds for dismissal.
- b. Employment:
 - 1. As a full time, part time or reserve law enforcement officer for another jurisdiction.
 - 2. In any morally questionable occupation.
 - 3. That could in any way cause the reserve officer to profit from reserve service.
 - 4. That would interfere with their attendance in the reserve academy or completing reserve unit hourly requirements.

(13) RESERVE ENTRY LEVEL SELECTION PROCESS:

- a. The selection process is performed through the office of the Deputy Chief of Operations with final selection to be approved by the Chief of Police (or designee).
-

- b. Applicants must be 21 years of age, a United States citizen, have a minimum of a high school diploma or G.E.D., must live in the eight (8) county metropolitan area, possess a valid Colorado Drivers License with an acceptable driving history, and successfully pass the following Civil Service requirements:
 - Written examination
 - Physical agility test
 - Polygraph examination
 - Psychological examination
 - Drug testing
- c. Applicants must have an acceptable criminal history and credit report.
- d. Applicants will be tested consistent with the requirements of the Denver Civil Service Commission for full time entry level police officers except for the video oral examination (written examination, physical agility examination, psychological testing, medical screening, drug testing, polygraph examination and background investigation). Retired or retiring Denver police officers with a valid POST certification may be exempted from some or all testing requirements. Exemption requests will be considered on a case-by-case basis.

In addition to disqualifying employment restrictions [see section (12)] evaluators will look for any conflict of interest in the applicant's history that could bring unfavorable attention or embarrassment to the Denver Police Department.

The Denver Reserve Police Unit does not accept applicants who:

- Could in any way profit from reserve service.
 - Were discharged from military service with a less than honorable discharge.
 - Do not meet the prerequisites of the Executive Director of Public Safety for appointment as a special police officer.
 - Cannot effectively read, write, and speak English.
 - Have demonstrated immaturity, untruthfulness, or fiscal irresponsibility.
-

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



121.00 ARSON, EXPLOSIVES, AND HAZARDOUS MATERIALS

REVISED: 04/20/2017

PAGE: 1 OF 3

121.01 GENERAL PROCEDURES

(1) SUSPECTED ARSON/FIRE RELATED INVESTIGATIONS:

- a. Fire Investigators assigned to the Fire Investigation Unit are Denver Fire Department Technicians. They are appointed as Colorado Peace Officers - Fire (arson) Investigators in accordance with CRS §16-2.5-109, and as specified by the Denver Executive Director of Safety. They are empowered to investigate the following: fires, lower order explosions, false fire alarms, and the construction, placement, or ignition of incendiary devices. Denver Fire Department (DFD) personnel serving as fire investigators may conduct any special investigations requested by the Chief of the Denver Fire Department or the Chief of the Denver Police Department.
 - b. A General Occurrence (GO) report will be made at the scene. DFD Fire Investigation personnel are assigned to 24-hour shifts and will be available to respond to a scene when requested. Should they not be *immediately* available due to working another fire investigation, police department personnel will ensure the security of the scene until the arrival of a fire investigator. The Fire Investigation Unit will be notified of all crimes involving the use of fire, regardless of whether there was a response by DFD suppression apparatus. If, after consulting with on-duty investigators, it is decided that fire investigators will not respond, on scene police department personnel will complete a GO report and for informational purposes route it to the fire investigation unit.
 - c. Fire investigators will conduct a scene investigation and document all pertinent facts. If, during the fire investigation, it is discovered that a person has died or is in immediate danger of death caused by the fire, the Homicide Unit of the Denver Police Department will be notified and respond, in accordance with OMS 301.14, and take charge of the investigation.
 - d. Any crime coinciding with an arson that is an offense against a person, including but not limited to: assault, child abuse/neglect, menacing, reckless endangerment, and intimidation of, or retaliation against a witness or victim, will be investigated by the Major Crimes Division or district detectives, in conjunction with the DFD Fire Investigation Unit. In these cases, Denver Police investigating officers will coordinate with Denver Fire Department fire investigators to conduct a joint investigation. Fire investigators will notify Major Crimes Division detectives or detectives assigned to the district where the offense occurred, via DPD Dispatch, whenever responding to one of these incidents. The responsibility for filing the case will be determined on a case-by-case basis, based on the crime and recommendations from the Denver District Attorney's Office.
 - e. A General Occurrence (GO) report, titled "Arson" will be made whenever an incident involving "Molotov cocktails" or any other form of fire-bombing takes place. The scene will be secured and all evidence preserved until fire investigators arrive to document the scene and collect available evidence. Fire investigators will be responsible for the chain of evidence and will transport all evidence to the Denver Police Department Property Management Section to be processed by the Forensics and Evidence Division.
 - f. The DFD Fire Investigation Unit will be notified when encountering suspicious fires, incendiary materials, and unreported fires. Investigators will respond to the scene and conduct the necessary investigation, including making the General Occurrence (GO) report.
 - g. The Denver Office of the Federal Bureau of Investigation must be notified in every fire-bombing incident. The DFD Fire Investigation Unit is responsible for notifying the FBI at the earliest possible time.
 - h. Any General Occurrence (GO) report relating to arson will be handled in routine fashion and
-

processed through the Records Unit. Records Unit personnel will forward arson related reports to the DFD Fire Investigation Unit.

- i. The Chief of the Denver Fire Department may request assistance from the Major Crimes Division or district detectives in conducting fire investigations. This request will be made through the chain of command, via the Chief of the Denver Police Department, or the appropriate designee.

(2) UNATTENDED ITEMS:

Officers who encounter unattended items (an item that when looking at the totality of the circumstances would normally be present in the environment, but is unattended and therefore irregular, such as a backpack during a parade) or suspicious items (an item whose presence at a location is deemed suspicious due the location, appearance, or information provided by a responsible party) will contact a supervisor. Supervisors may request through Denver 911 direction or assistance from the Bomb Unit and/or Explosive Detection K-9 unit.

(3) BOMB THREATS:

- a. Police personnel receiving information on a bomb threat will immediately notify Denver 911.
 - b. Denver 911 will immediately dispatch precinct officers and a police district supervisor to the scene.
 - c. Upon arriving at the scene, police personnel will park their vehicles at a safe distance from the area involved.
 - d. Police personnel will consult with a person in charge of the building property to determine the advisability of evacuation.
 - e. When on the premises of Denver Public School facilities, the person in charge of the facility should be contacted to determine the advisability of evacuation. Officers will comply with his/her decision, unless a police supervisor has evidence to indicate immediate evacuation is recommended.
 - f. Denver police officers responding to a bomb threat have no authority to force the search of a building; or order an evacuation of a building unless a suspicious device or bomb is found on the premises. A search of the building should be strongly recommended to the person in control of the premises.
 - g. A search of any building should be performed by those who have control over the premises or are most familiar with the surroundings, and who could identify a suspicious package or object.
 - h. A police supervisor or designated officers may assist in a search if requested by the person in charge of the premises. Officers will be accompanied by the person in charge of the premises (or his/her representative) to eliminate any possibility of oversight.
 - i. A police supervisor will determine if a search should be made by non-uniformed personnel to reduce any danger of panic by building occupants.
 - j. A police supervisor will call Denver 911 and request additional assistance, if necessary, from the Bomb Unit, Fire Department, Crime Laboratory, or FBI.
 - k. A General Occurrence (GO) report, will be made.
 - 1. The victim will be listed as the person the bomb threat is directed against or the person receiving the threat.
 - 2. Denver 911 personnel who receive a bomb threat will have a uniformed officer respond to the communications center to complete a report. In addition, they will contact the telecommunications service provider to locate the origination point of the suspect's telephone call or electronic communication. An officer will be dispatched to the origination point to attempt to identify the suspect(s).
 - 3. Officers will obtain written statements from all victims and witnesses, including the exact verbiage used by the suspect(s) when the threat was made.
-

- I. Bomb threat procedures at Denver International Airport will be conducted in accordance with procedures outlined by the Airport Police Division.

(4) SUSPICIOUS DEVICES OR SUSPECTED BOMB FOUND ON PREMISES:

- a. Due to confirmation of an actual threat to public safety, order immediate evacuation if not already begun (300 feet in all directions).
- b. Refrain from using the police radio or cell phones within 100 feet of a suspicious device and prohibit the use of all private or commercial radios (AM-FM, CB, etc.) within 300 feet.
- c. Request additional resources to contain and investigate the incident, and assist the Bomb Unit as needed.
- d. Persons arrested in connection with bomb threats; possession, placement, or use/detonation of an explosive, explosive device or components will be taken to the Bomb Unit during normal business hours. A Bomb Unit supervisor or detective will be contacted prior to jailing or charging any suspect(s) for a bomb or explosives related offense.
- e. The senior member of the Bomb Unit will be in command of the scene, disposal of devices, evidence, investigation, and post-blast investigation.
- f. Officers not assigned to the Bomb Unit will not disturb, move, or otherwise transport any explosive or suspected explosive device, or any component of an explosive device, other than small arms ammunition, unless requested to do so by a member of the Bomb Unit or a command officer.
- g. The Denver Office of the Federal Bureau of Investigation must be notified in every bombing incident. It will be the responsibility of Bomb Squad personnel to notify the FBI at the earliest possible time.
- h. A General Occurrence (GO) report will be made by uniformed officers.

(5) BOMB THREATS TO POLICE FACILITIES OR EQUIPMENT:

- a. When a telephone bomb threat is received, officers/employees should complete a Bomb Threat Call Checklist (DPD 199), available on DPDWeb/Guides, and immediately notify their commanding or supervisory officer.
- b. The commanding or supervisory officer will make the necessary notifications and ensure that a search of the threatened area is conducted.
- c. A General Occurrence (GO) report will be completed. The Bomb Threat Call Checklist (DPD 199) will be forwarded through inter-department mail to the Records Unit for scanning and attachment with the GO report.

(6) EXPLOSIVES:

The Denver Revised Municipal Code provides that it will be unlawful to store in any place within the City and County of Denver any dynamite, giant powder, nitroglycerin, or other explosive materials or compounds, without a permit from the Executive Director of Safety.

- a. The Denver Fire Department's Fire Prevention Bureau checks for unauthorized vehicles containing explosives. If they need assistance from any member of the police department, officers will immediately respond and render such assistance as reasonable and necessary.
- b. Upon receipt of a request for services involving explosives, the Bomb Unit will be notified.

(7) CARBON MONOXIDE CASES:

- a. The preliminary response to the presence of carbon monoxide is conducted by the Denver Fire Department. All officers are instructed to notify Denver 911 whenever they have information relative to a carbon monoxide exposure.
 - 1. Following their response and assessment, when appropriate the fire department will notify the building department for follow up by an inspector.



201.00 TRAFFIC MANAGEMENT

REVISED: 04/07/2016

PAGE: 1 OF 4

201.01 GENERAL GUIDELINES

(1) PURPOSE:

Denver Police Officers should be primarily concerned with traffic management enforcement action as it relates to traffic accident investigations, on-sight violations, and procedures to be followed in the relief of traffic congestion. Enforcement action (arrest, citation, or warning) must accomplish a deterrent adequate to result in better driving habits, leading to reduced congestion, and fewer traffic accidents. The Denver Police Department is concerned with the quantity of enforcement activity only to the extent that it positively affects community traffic problems.

Research by various agencies and institutions have shown that where traffic enforcement is vigorous and selective, traffic laws are observed and the number of traffic accidents is reduced. To accomplish realistic, productive traffic law enforcement with resultant observance of traffic laws, the department must conscientiously employ the first element of an effective traffic law enforcement program - intelligent and uniform application of fair and reasonable traffic policies.

Although the essential elements of each violation are clearly set forth in an ordinance or statute, it is important to relate these elements to everyday traffic incidents. This is, in essence, a guide to police officers in their efforts toward reducing the number of traffic accidents and relieving congestion. This manual attempts to outline and briefly explain the most intelligent and practical approach toward enforcement action in specific instances. To achieve the most effective results in traffic safety, Denver Police Officers must be uniformly guided by department policies.

(2) ENFORCEMENT ACTIONS:

When applying the enforcement guides, it is necessary that the enforcement action be conducted in accordance with the following basic policies in order to obtain the most successful results.

- a. Officers will take appropriate enforcement action when an enforceable violation is detected. This will include provable violations determined as the result of an accident investigation, as well as violations which were observed by the officer.
 - b. Traffic law enforcement activities of the department will be primarily (but not exclusively) selective or directed toward those violations which are predominantly accident causing and during those times and places where accidents are occurring. General traffic law enforcement will also be maintained at a level adequate to promote safe driving practices.
 - c. Traffic enforcement may occur at any time, but between the hours of 0700 and 0900, and 1600 and 1800, on days when normal business activities are conducted, enforcement or observation efforts that do not hinder the efficient movement of traffic may be more appropriate.
 - d. Parking regulations will be objectively enforced, taking into consideration that such enforcement is provided as a service to the public, the practical limitations, and the obligations imposed upon the police department.
 - e. Some traffic conditions cannot be addressed exclusively or effectively by police enforcement (corrective) measures alone, such as traffic or design engineering deficiencies and community education. In these cases, department personnel should:
 - Recognize the problem or challenge
 - Identify and inform the responsible department or agency of the existing conditions and necessary corrections
 - Document the notification to establish the police department's awareness and efforts toward
-

addressing the issue

- Participate in appropriate educational opportunities and programs
- f. The policy of the department is to afford the public a fair and reasonable measure of enforcement, contingent upon all related factors. This enforcement must be consistent with the objectives of relieving traffic congestion, ensuring compliance with traffic laws, use of available street space, and efficient movement of traffic.

201.02 BARRICADES AND TEMPORARY TRAFFIC CONTROL DEVICES

(1) PURPOSE:

Barricades or other traffic control devices may be used to direct or assist in managing temporary traffic problems caused by malfunctioning traffic control devices, adverse road and/or weather conditions, accidents, crime scenes, and other hazardous or emergency situations not requiring continuous police presence.

(2) REQUESTS:

Requests for temporary traffic control devices will be made to the police dispatcher who will then notify the contracted vendor that is available on a twenty-four (24) hour basis. The Denver Street Maintenance Division will also be notified of the safety hazard that necessitated the use of temporary traffic control devices. The contracted barricade vendor will be responsible for the removal of devices.

(3) SERIOUS HAZARDS:

If the hazard requiring the barricade is serious, officers should wait for the arrival of the contracted barricade vendor and assist in the placement of the barricades. If involving a water main break, officers should notify the police dispatcher who will inform the Denver Water Department. Officers will stand by until a Denver Water Department representative responds to the scene. Temporary traffic control devices will be ordered by the Denver Water Department representative.

In the event a Denver Water Department representative is unable to respond within a reasonable time period, officers may request emergency barricades through the police dispatcher.

(4) SPECIAL EVENTS:

Arrangements for barricades and other movable traffic control devices for special events will be made through the Special Events Unit of the Traffic Operations Section. The Special Events Unit and the contract barricade supplier will be responsible for the placement and removal of the devices.

(5) USAGE OF DEPARTMENT VEHICLES:

Department vehicles may be used as a temporary aid in directing traffic, blocking streets due to inclement weather or adjacent to crime scenes, serious accidents, chemical spills, fires or other events presenting a danger to the public, and to control vehicular traffic that might impede or disrupt the handling of such operations.

- a. Officers using vehicles in this manner should not remain in the vehicle when there is a risk to personal safety.
- b. Barricades should be used in lieu of police vehicles when the closure of the road is for an extended period of time.

(6) FIXED POSITION CHECKPOINTS:

Fixed position checkpoints may be established for vehicle safety checks, equipment and authorization violations such as overweight vehicles or hazardous material movement, and the detection of drivers under the influence of alcohol and/or other similar violations. Checkpoints will be operated under the direction of a supervisor, in accordance with current state law and in a manner that minimizes traffic hazards and inconvenience to the public.

201.03 INTERSTATES AND MAJOR HIGHWAYS

(1) CLOSURES:

- a. Upon determining the need to close a highway, officers will:
 1. Estimate the time and extent of the closure.
 2. Notify the police dispatcher of the closure and request any additional assistance needed.
 3. Assist the incident commander (see section b) with routing traffic along the newly established traffic flow pattern. In the event of a full highway closure, an After Action Report (DPD 286) will be completed by the incident commander.
- b. Upon receiving information of a closure, Denver 911 will:
 1. Notify CDOT and designated police department personnel of the closure via the center's notification tool.
 2. Notify the Public Information Office Unit so that local media are informed.
 3. Notify an on-duty Traffic Operations Section supervisor of the situation, who will respond and assume incident command responsibilities. If an on-duty Traffic Section supervisor is not available, the on-duty supervisor of the affected patrol district will assume incident command responsibilities.

(2) VEHICLE POSITIONING SAFETY:

When stopping another vehicle, inspecting an unattended vehicle, or rendering assistance to a disabled motorist in the right shoulder area, the police vehicle should be parked well to the rear of the other vehicle with emergency lights in operation and, if possible, all four wheels of the police vehicle should be off the traveled portion of the roadway. A foot approach around the rear of the police vehicle and along the RIGHT side of the vehicle that was stopped for a violation provides greater safety to the officer from passing traffic. Any person removed from a vehicle to be searched and/or arrested should be taken as far off the roadway as possible to avoid exposure to passing vehicular traffic.

For vehicles that stop, are abandoned, or become disabled in through lanes or the left shoulder area, officers may adjust their procedures as needed utilizing appropriate and reasonable safety measures for themselves, other motorists, and occupants from or within the involved vehicle.

Officers should avoid standing between the front of their police vehicle and the rear of a vehicle which they have stopped or are investigating.

(3) POLICE VEHICLE SPEED:

When on routine patrol, a police vehicle should be operated at a legal speed. If an officer needs to be at less than a normal speed and traffic congests behind the police vehicle, the officer should:

- a. Pull over to a safe location, stop, and let the traffic pass; or
- b. Accelerate their speed to a point nearer or at the limit; or
- c. Wave the following vehicles around the police vehicle.

(4) VEHICLES STOPPED ON THE INTERSTATE/HIGHWAY:

Uniformed officers operating a department vehicle equipped with appropriate emergency lighting should stop and investigate vehicles stopped on interstates and major highways, if possible, when not on other assignment. If at all possible, officers should avoid making stops over the crest of a hill or in other areas where there is an increased safety risk to the officer and citizens. While engaged in a vehicle stop, an officer may diminish or shut off his/her overhead vehicle lights to prevent a slowdown of passing traffic, but only if in his/her judgment it does not present an added danger to other persons or the officer.

(5) PEDESTRIANS:

Officers will consider any pedestrian violator on the interstate or highway as presenting an imminent

danger for the pedestrian or motorists, and will vigorously enforce laws prohibiting hitchhiking or pedestrians on the interstate or highway. Officers will make certain that all pedestrians are removed from the interstate or highway without delay. See OMS 205.06(3).

(6) ROAD DEBRIS:

Debris or other objects observed on an interstate or highway, which may affect the efficient and safe movement of traffic, should be removed as soon as possible. Officers may request assistance from the Colorado Department of Transportation (CDOT) with road clean-up efforts. Additionally, CDOT personnel can also provide consultation and assistance with large clean-ups of other non-hazardous materials from the interstate/highway system.



202.00 TRAFFIC ENFORCEMENT AND CITATIONS

REVISED: 06/21/2019

PAGE: 1 OF 21

202.01 GENERAL GUIDELINES

(1) ENFORCEMENT ACTION:

As with other law violations, when a uniformed officer witnesses a traffic law violation, unless otherwise officially engaged, he/she may take appropriate action. To reinforce positive community relations while providing traffic enforcement, officers will remain respectful, courteous, and efficient. Generally, a violator should not receive both a citation and a lecture. The following provisions, as they relate to traffic enforcement, will be adhered to:

a. Authorization:

Pursuant to DRMC 54-54, only Denver police officers and other employees of the City and County of Denver (as designated by the Executive Director of Safety) are authorized to issue parking citations, uniform traffic summons and complaint/penalty assessment notices or general session summons & complaints. Officers and employees of the Denver Police Department will not furnish any of the above-mentioned citations or summons to any person(s) not authorized by the Executive Director of Safety.

b. Uniform Application:

Officers will remain up-to-date, knowledgeable, and able to courteously educate the public concerning the rules, regulations, procedures, and duties governing traffic enforcement laws. When enforcing traffic violations, officers will act as soon as reasonable and appropriate and will have sufficient evidence to support an offense. All traffic enforcement will be done with consideration for the safety of the public and the officer.

c. Response:

Officers will refrain from committing traffic violations themselves when contacting citizens concerning traffic violations (unless necessary to initiate the contact). See OMS 112.02, Emergency Operation of Department Vehicles.

d. Focused Enforcement:

To reduce accidents and accident-causing violations through the deterrent effect of high visibility patrol and selective enforcement, uniformed officers may give enforcement preference to high-accident locations identified throughout the city.

e. Random Vehicle Stops:

Officers will not stop motorists for the sole purpose of ascertaining if the driver has a valid driver license or vehicle registration: *Delaware v. Prouse*, No. 77-1571, U. S. Supreme Court.

- A stop may be made if there is distinct and reasonable suspicion that the driver is unlicensed; that the vehicle is unregistered or displaying misused license plates.
- A stop may be made if a definite departmental or division policy has been established that a certain number of vehicles will be stopped (e.g., every tenth, fifth or third car or every other car traveling past a given point).

f. Off-Duty Traffic Enforcement:

See Rule and Regulation 304.

g. RTD Bus Drivers:

Officers intending contact after observing traffic violations committed by Regional Transportation District (RTD) bus drivers will stop the bus at the next bus stop and issue the driver a citation or

warning at that time. The officer will complete the contact as quickly as possible, keeping the inconvenience to the passengers to a minimum and bearing in mind the potential traffic hazards posed by a large vehicle stopped for any length of time.

In the event the next bus stop is a considerable distance from the point of the violation, the officer will stop the driver as soon as practical, making notification of the violation and directing him/her to stop at the next bus stop and await contact with the officer.

h. Emergency Vehicles:

Officers observing emergency vehicles being driven in a reckless or careless manner while on an emergency run will document the facts and forward the information to the Director of Denver Department of Excise and Licenses. Officers observing emergency vehicles in violation of the law while not on an emergency run may take the appropriate action as with any other motorist.

i. US Mail and other Public Carriers:

Except as otherwise set forth in this Operations Manual, the operators of government owned, leased, or privately-owned vehicles operated by government employees are required to obey all traffic ordinances and statutes as set forth in the Denver Revised Municipal Code and/or the Colorado Revised Statutes. NOTE: The operator of these vehicles will be permitted to park at building entrances, in the courtesy loading zones, and at the end of each block for pick-up and delivery only. These privileges are granted to facilitate the completion of their mission and any abuse of them will warrant positive enforcement action to be taken. For arrests of postal employees, see OMS 104.25.

j. Government Vehicle Drivers:

Drivers of US Government-owned or leased vehicles are required by government regulation to carry a valid state driver license endorsed to correspond with the class of vehicle being operated. Government driver licenses are no longer required or issued to government employees.

k. Military Personnel:

Military personnel who violate traffic laws while operating a private vehicle are responsible in the same manner as civilians. Drivers of official vehicles on official business, who are stopped by local police for traffic violations, should not normally be arrested or detained unless the nature of their offense is such or it is apparent that they are in such condition that further operation by them would be detrimental to their safety or the safety of others.

1. Military personnel driving a civilian vehicle must have a valid civilian driver license. If reasonable proof of military duty in Colorado is available, an out-of-state driver license is valid even though the civilian vehicle is licensed in Colorado.
2. In serious cases involving military personnel, the service member's chain of command should be contacted immediately for proper notification and disposition. When it is necessary to detain or arrest a service member, his/her military vehicle and equipment will need to be properly secured prior to handoff to the individual's chain of command.
3. In cases of urgent military necessity, coordination will occur between military and civilian (police, etc.) authorities when possible to facilitate accomplishment of the military mission.

l. Colorado Legislators:

Pursuant to Article 5, Section 16 of the Colorado Constitution, no member of the Colorado General Assembly may be arrested while in attendance at the sessions of their respective houses, or any committees thereof, and in going to and returning from the same, except for treason or felony violations.

1. Traffic citations may be issued; however, the legislator will not be detained for an undue amount of time.
-

2. Should an officer have reason to believe a legislator is driving under the influence AND there is an accident with serious injuries or a fatality involved, the legislator will be arrested and processed for the suspected felony (DUI violation). In the absence of felony violations, should an officer have reason to believe a legislator is driving under the influence, the officer may cite for a violation which caused an accident or was the reason for a traffic stop. For the safety and welfare of the public and the legislator, the officer will arrange for other transportation for the legislator and his/her vehicle will be parked and locked.

(2) VEHICLE STOPS:

- a. Prior to the stop, officers will note the license number, make, model, and color of the vehicle (and any other identifying characteristics); the number of people in the vehicle and their sex; and when practical and in a safe manner, check to see if the vehicle is stolen or has any other associated wants.
- b. Officers will notify the dispatcher of an anticipated traffic stop, giving the location and vehicle identification information, when practical. NOTE: All unmarked vehicles used for traffic enforcement will be equipped with emergency lights (red/blue) and a siren.
- c. After signaling the violator to stop (using emergency lights, P.A. system, horn, siren, and/or spotlight), the officer will direct the driver to the edge of the roadway or off the roadway (if possible). If on the roadway, officers will park the police vehicle fifteen (15) feet to the rear of the violator's vehicle, offset to the left approximately three (3) feet, with the front wheels turned to the left. The rear facing warning lights will remain on. Deviation may be needed depending on circumstances.
- d. Notify the dispatcher of your final location.

(3) VEHICLE APPROACH:

- a. At all times, officers will remain alert and cautious when making an unknown risk traffic stop. Contacts for traffic violations may develop valuable information or lead to the arrest of the violator on other charges.
 1. Officers will approach the vehicle from the side that provides the most advantage to the officer, when practical, and will position themselves to check the security of the trunk, the seats, and floors.
 2. Officers will conduct business from behind the rear edge of the front door, when practical, being able to watch both front and back passenger compartments.
 3. For safety, the officer should complete the Uniform Traffic Summons and Complaint/Penalty Assessment Notice while inside the police vehicle, or when operating a motorcycle, out of traffic, on the sidewalk or shoulder of the road, in a position that allows the officer to safely observe the violator while avoiding blocking the motorcycle's rear emergency lighting.
- b. The second officer in a two-officer car will cover the citing officer from the opposite side of the violator's car, if safe to do so, making the vehicle occupants aware of his/her presence and positioned in such a way that he/she may observe all occupants. At no time will the second officer remain in the patrol unit.

(4) CONTACT WITH THE VIOLATOR:

Officers will greet the violator in a courteous manner, presenting a professional image through their demeanor, tone, language, and appearance. An officer, while presenting a professional image, can minimize potential conflicts with the violator.

- a. Officers will request driver identification, vehicle registration, and proof of insurance. These documents should be removed from any holders. If a violator provides proof of insurance by presenting a smartphone:
-

1. The insurance document displayed can either be a digital photograph or an electronic copy of a policy or certificate, which the officer can verify the vehicle, the dates of coverage, and the insured driver(s). Bills and proof of payment to an insurance company are typically not sufficient.
2. The violator may voluntarily hand the phone to the officer for safe viewing of insurance information. To the degree possible, this should be done without placing the officer in danger from road traffic or vehicle occupants. If the violator refuses to provide the phone to the officer for reasonable and safe viewing of proof of insurance information, it may be construed as failure to comply with the compulsory insurance requirement. Officers may view only the insurance information presented by the violator and may not activate any apps or look at any other information on the violator's smartphone without consent or a search warrant.
3. With the violator's voluntarily consent, the officer may temporarily take the phone to his/her police vehicle or its immediate vicinity to review the insurance information. However, refusal of the violator to allow an officer to take the violator's phone to the police vehicle or away from the vicinity of the violator's vehicle will not constitute failure to comply with the insurance requirement if the violator has presented proof of insurance on the phone.
- b. If the violator claims to be without a driver's license, they should be asked to produce other forms of identification to ensure proper issuance of legal documents. NOTE: Any officer who contacts a driver who appears, due to age, infirmity, handicap, or other reasons, incompetent to safely operate a motor vehicle may submit a Request for Driver License Re-examination (Motor Vehicle Form 536) to the Colorado Department of Revenue.
- c. Officers will advise the violator of the reason for the stop.
 1. It is normal for traffic violators to offer excuses, rationalize actions or admit guilt. Officers should allow the violator to talk as this permits release of tension. Officers should not respond with any comment. If it is necessary to ask questions concerning the offense, the officer will avoid any derogatory statements.
 2. Officers will take appropriate action regardless of excuses offered by the violator: verbal or written warning, Uniform Traffic Summons and Complaint/Penalty Assessment Notice or arrest. If a verbal warning is appropriate, it will be given expeditiously and courteously.
- d. To expedite the citation service, officers will have the necessary equipment and forms readily available. All the necessary information and instructions to the violator are located on both sides of the defendant's copy of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice. Officers will advise the violator to read the instructions and will also advise the violator that the citation is the only notice he/she will receive. If requested, the officer will politely answer any question(s) regarding the citation.
 1. If it is necessary to have the violator exit the vehicle, the officer will ensure that it is done in such a manner that he/she stays out of the flow of traffic.
- e. Upon completion of the contact, the violator's documents will be returned, one by one, with any necessary explanations. The officer will advise the violator when they are allowed to proceed. If necessary, the officer will assist the motorist back into traffic flow. As a matter of courtesy, the officer will not continue to follow the violator any longer than necessary.
- f. Traffic violators are not to be seated in police vehicles unless they are to be jailed. An exception to this procedure is during the investigation of traffic accidents, when interviewing parties is required.

202.02 UNIFORM TRAFFIC SUMMONS AND COMPLAINT/PENALTY ASSESSMENT NOTICE

(1) USING THE CORRECT SUMMONS TYPE:

The Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be used when; a person is cited for a moving violation of the Denver Revised Municipal Code (DRMC) or Colorado Revised Statutes (CRS), or is arrested and jailed for non-felony traffic charges.

- a. The Unified Summons and Complaint will not be used to cite traffic ordinance violations unless a DUS, DUI, DUR, or DUD violation is also charged.
- b. The Uniform Traffic Summons and Complaint/Penalty Assessment Notice will not be used to file driver restraint violations. See OMS 202.03.
- c. Officers will use the appropriate city ordinances whenever possible. CRS will not be used when there is an equivalent DRMC ordinance.

(2) CLASSIFICATION OF TRAFFIC CHARGES:

All traffic ordinances (city and state) are classified into one of the following categories:

Criminal Violation: A violation of the state or city traffic code which is punishable by a jail sentence and for which the defendant is entitled to a criminal trial with all attendant rights. A violator being charged with a criminal violation will always be issued a summons requiring his/her appearance in court.

Designated Criminal Violation: A criminal violation of the traffic code, for which payment of a fine by mail may be accepted in lieu of a court appearance. A violator charged with a designated criminal violation may be issued a Penalty Assessment Notice, making them eligible for a reduction of points.

Infraction: A civil violation of the traffic code for which arrest is prohibited and for which a jury trial is not permitted, unless a 6-point speeding charge or aggravated accident is involved.

- Arrests for traffic infractions are not allowed.
- All infractions are written as a Penalty Assessment Notice.
- Court appearances are not required. The driver may satisfy legal obligations by mail.
- Drivers charged with infractions are eligible for a reduction of points.

(3) COMPLETING THE UNIFORM TRAFFIC SUMMONS AND COMPLAINT/PENALTY ASSESSMENT NOTICE:

- a. The Uniform Traffic Summons and Complaint/Penalty Assessment Notice (DPD 275M) is designed in such a manner that both a summons and a penalty assessment can be written on the same form.
- b. All information entered must be printed in such a manner that all four copies are legible.
- c. Fill in the form completely, giving the information requested. In boxes where just a mark is needed, use an "X", making sure the mark is placed within the confines of the box.
- d. Driver identification:
 1. If there is doubt regarding the driver's identity, complete the physical description, and use an "Identiseal" to affix the right index fingerprint on the reverse side of the city attorney's copy.
 2. If identification or information other than a driver's license is used to establish a driver's identity, note what form of identification or information was used.
- e. Driver identification – refusal:

If the driver refuses to identify themselves, the officer may transport the driver to the Identification Section to establish positive identity and complete an enforcement action. If a mobile fingerprint device is available and its use authorized by policy, it should be used in lieu of transport to the Identification Section.

1. In these cases of "temporary detention," the officer is justified in conducting a pat-down search for weapons and handcuffing the driver.
 2. In addition to the original charges, the driver may be charged with DRMC 38-31(c) Interference with police authority or DRMC 54-55 Obedience to police and fire department officials. See 202.07(4) for charging DRMC ordinance violations in conjunction with traffic.
-

- f. Commercial Driver's License Violations:
Three check-off boxes are provided for interstate tracking of commercial motor vehicle violations. Checking these boxes, when appropriate, does not have any bearing on points or fines and does not require the officer to issue a summons.
1. CDL - The driver has a commercial driver's license.
 2. CMV - The offense was committed in a commercial motor vehicle.
 - CMV Definition: A vehicle with a gross vehicle weight rating of 10,000 lbs. or more; a vehicle designed to transport 16 or more persons, including the driver; or a vehicle of any size which requires hazardous material placards.
 - CMV Exceptions: Farm vehicles within 150 miles of the farm, recreation vehicles, military vehicles driven by military personnel, firefighting vehicles.
 3. HMC - the vehicle was placarded for transporting hazardous materials.
- g. A complete home address of the defendant will be listed on all citations issued. This will assist the courts in collection of a civil judgment for a traffic infraction.
- h. Accident check-off box:
1. When the driver is cited for an accident-causing violation, this box will be checked.
 2. The box is printed in black and serves only as a reminder to the officer and court personnel that the driver was involved in a traffic accident and that the accident report should be a part of court documentation at trial.
 3. Checking this box has no bearing on any fines and does not require the officer to issue a summons.
- i. After deciding what charge(s) will be written, determine if the violation is a criminal violation, designated criminal violation or an infraction.
1. For those traffic violations not listed on the face of the citation, the officer will, in the space marked "Other Violations," list the section number, a brief description of the violation charged, and the number of penalty points attached to the violation.
 2. Refer to the Traffic Ordinance Summary (DPD 70), for the penalty point and fine information of ordinances not preprinted on the ticket.
- j. Summons Procedures:
When the summons box is checked, the defendant's appearance in court is required. Officers will set the arraignment date & time and serve the summons. No information concerning points and fines for violations requiring a summons will be written on the citation. To prevent any alteration of the citation, officers will place a large "X" through the scheduled fine and early payment discount areas of the penalty assessment section.
A summons requiring the defendant's appearance in court will be issued when:
1. The defendant is charged with a criminal violation of the DRMC or the CRS traffic code.
 2. The defendant is charged with a traffic infraction but is also involved in an accident and the personal injury/death" or significant property damage box is checked.
 3. The defendant is charged with a traffic infraction and a criminal violation.
 4. The defendant is charged with a 6-point speeding violation.
 5. Any box printed in red is checked by the issuing officer. Violations or circumstances printed in red on the face of the citation include all criminal violations, personal injury/death" and significant property damage. The Denver City Attorney's Office has defined significant property damage as being damage to any vehicle or property of another person which is moderate or extreme (damage severity codes "2" or "3").
-

- k. Penalty Assessment Notice Procedures:
 - 1. For those ordinances classified as infractions or designated criminal violations, a Penalty Assessment Notice will be issued.
 - 2. Because they are civil in nature, arrests for violations classified as infractions are not allowed.
 - 3. The total number of penalty points and the total fine amount for the traffic infraction or designated criminal violation cited are to be written on the face of the ticket in the scheduled fine area.
 - 4. The fine and point assessment for CRS violations are set by statute and cannot be discounted.
 - 5. A penalty assessment notice may be "tendered" to the violator. The officer need only hold out and offer the citation to the violator. This constitutes service.
 - 6. If the driver refuses service of the citation for a designated criminal violation, he/she may be issued a summons, requiring an appearance in court.
 - 7. A driver cannot be arrested merely for refusing service of a citation for a criminal violation. The conditions in OMS 202.07 must also be met.
- l. For both penalty assessments and summons, the issuing officer will assign a date and time for arraignment.
- m. Officer Notes:

Additional information that would be helpful to officers of the court in prosecuting the case, such as the circumstances of the violation, should be written on the back of the city attorney's copy of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice (DPD275M).

(4) AMENDING A CITATION:

Officers will not scratch out information on the face of a citation, but instead are to void it and issue a properly completed one in its place. See OMS 202.02(9)

- a. When an error is discovered after a citation has been served, a request to amend the citation will be noted in the "Other Violations" area on the face of the citation. The information to be amended and the correct information will be listed on the back of the first copy and initialed or signed by the officer.
- b. The name, location, date, charge and officer signature cannot be added if they're missing from the face of the citation. If they are incorrect, they can be amended.

(5) MULTIPLE OFFENSES:

When using the Uniform Traffic Summons and Complaint/Penalty Assessment Notice (DPD 275M) for multiple offenses, issue only one citation. The location where the first violation occurred to the location where the last violation occurred should be included on the front of the citation. Additional violations or second violations of the same charge should be written in the other violation section and indicated as such.

(6) WITNESS OFFICERS:

When two or more officers are involved in issuing a Uniform Traffic Summons and Complaint/Penalty Assessment Notice (DPD 275M) for traffic violations, the officer who will testify in court will complete the form in its entirety, signing his/her name as complainant and as the serving officer. To have the second officer or additional officers subpoenaed into court to testify; his/her name and serial number must be endorsed on the back of the city attorney's copy as a witness.

(7) CITATIONS ISSUED AFTER THE INITIAL ACCIDENT INVESTIGATION:

If a Traffic Investigation Unit detective needs to clear a hit and run or incomplete report by issuance of a citation to the defendant, and the officer making the original accident report is unable to appear to serve this citation, the investigating officer handling the case will take the following steps:

- a. Issue a citation to the defendant, signing it as the complainant.
- b. Sign the citation as officer serving.
- c. On the back of the citation, list the name and serial number of the officer making the original accident report as a witness. Do not list the officer as the complainant.

(8) ARRESTS:

A driver may be arrested if he/she is charged with a criminal violation of the traffic code and the conditions in OMS 202.07 are met.

(9) VOIDING:

When it is necessary for an officer to void a citation that he/she issued, because of an error or other legitimate reason, the following procedures will be followed:

- a. A Traffic Citation Void Request (DPD 238) will be completed by the officer voiding the citation and submitted (along with copies of the citation) to the officer's supervisor for approval.
- b. If applicable, the number of the citation written in lieu of the voided citation will be included.
- c. The form and the citation will be forwarded to the Commander of the Special Operations Division by the supervisor approving the request.

202.03 RESTRAINT VIOLATIONS

(1) PROCEDURE:

If it is determined that a person is driving a vehicle and is under suspension (DUS), denial (DUD), revocation (DUR), or in violation of a restricted driver license, the person must be charged on a Unified Summons & Complaint (US&C) in the following manner:

- a. If a defendant does not have a valid identification card or is not personally known to the officer, the officer will obtain a right index fingerprint and place it on the charging document. If a US&C is created electronically using MRE software, the officer can print a second copy of the US&C to attach the fingerprint.
- b. A defendant who refuses to allow a fingerprint to be taken will be arrested and booked on the traffic charges with the approval of a TIU supervisor or detective. Officers will include the rank and name of the approving TIU officer on the probable cause statement. During after-hours, an on-call designated TIU officer may be contacted through Denver 911.
- c. Other traffic charges may be filed in conjunction with DUS, DUD, or DUR, but must be converted to the equivalent state statute. Officers will not use municipal traffic ordinance violations under these circumstances.
Example: DUS (CRS §42-2-138) and Speeding (CRS §42-4-1101). Other misdemeanor charges, such as Resisting Arrest (CRS §18-8-103), may also be charged in conjunction with these charges.
- d. If other criminal violations or traffic violations such as hit and run or eluding are to be charged in connection with DUS, DUD, or DUR, the officer must receive approval from a supervisor or detective in TIU prior to charging.
- e. A Probable Cause Statement (DPD 287) or PC text type on the MRE will be used to explain the reason(s) establishing probable cause for the driver restraint charge (i.e. driver observed eastbound on _____, disregarding red traffic control device, etc.) and any additional notes the officer deems necessary for successful prosecution. Probable cause is not established by placing any additional charge(s) on the front of a Unified Summons and Complaint. This procedure is necessary to thwart a motion to suppress based on no probable cause for arrest.
- f. The court appearance date on the US&C will be a minimum of thirty (30) days from the date of service and the officer will properly serve the subject with the defendant copy of the US&C.

- g. If the officer is on-duty and used a paper US&C, he/she is required to create an electronic Arrest Booking (AB) as soon as practical with identical information from the paper US&C. The officer is required to create a General Offense (GO) to document the crime and add any additional pertinent information. The paper US&C document will be placed in a scanning envelope and forwarded as soon as practical to the Identification Section. The US&C document will be scanned into the AB by the Identification Section for the criminal case.
- h. If the officer is off-duty (authorized secondary employment – uniformed police work or commuting to and from work in uniform while operating a Denver police vehicle) at the time of the contact and creates a paper US&C, he/she will complete the back side of the document (General Occurrence). The completed document will be placed in a scanning envelope for the Identification Section and forwarded as soon as practical. The Identification Section will create an AB on behalf of the officer and the US&C will be scanned into it. The Records Unit will create a GO with the information collected from the back of the US&C.

202.04 WARNING TICKETS

(1) INTENDED USE:

The Traffic Warning Ticket (DPD 175) will be used for traffic violations which are primarily non-hazardous in nature. Non-hazardous violations are defined as violations of any law, ordinance, or regulation affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles or pedestrians. Examples of violations for which a Traffic Warning Ticket (DPD 175) may be issued include but are not limited to the following:

- a. No operator's license in possession, although it is valid.
- b. No registration in vehicle.
- c. Tail light or stop light out.
- d. Obscured license plate.
- e. Turning into one-way street the wrong way (no traffic present).
- f. Non-hazardous bicycle ordinances.
- g. Some cases of obscured windshield.
- h. Headlight out.

(2) JUDGMENT AND DISCRETION:

Officers must use judgment and discretion when determining what type of citation to use. Traffic warnings are not a substitute for the Uniform Traffic Summons and Complaint/Penalty Assessment Notice (DPD 275M) when charges are more appropriate.

(3) SPEEDING VIOLATIONS:

Officers will use discretion when issuing a Traffic Warning Ticket (DPD 175) for speeding violations. Factors may include the roadway type, traffic congestion, visibility, road and weather conditions, and the designated speed limit.

(4) USAGE:

The Traffic Warning Ticket (DPD 175) is composed of two (2) copies, the violator's copy, and the Special Operations Division copy. Care should be used in completing these forms, stating the facts on the reverse side of the Special Operations Division copy. Officers will attach the Special Operations Division copy to their log sheets.

(5) SUPERVISORY REVIEW:

Supervisors will review all Traffic Warning Tickets (DPD 175) issued by their personnel to ensure that the violations fall within the guidelines established for a warning notice. The Special Operations Division copy must be sent to the Commander of Special Operations Division once the review process is completed.

202.05 MISCELLANEOUS VIOLATIONS

(1) THIRD-PARTY OBSERVED TRAFFIC VIOLATIONS:

a. Requirements for Prosecution:

When a person makes a complaint to a police officer against another person regarding a non-accident traffic violation not committed in the officer's presence and wishes to prosecute, the following information is necessary before the Denver City Attorney's Office will accept the case:

- The complainant must be able to identify the driver, not just the vehicle.
- The complainant must have one other independent witness who can identify the driver.
- The complainant must provide the license number and description of the vehicle.
- Information as to the date, time, and location of the violation and violation type must be obtained.

b. Limitations:

In those instances when evidence is unavailable (or marginal at best) to support that a municipal ordinance violation has in fact occurred, or when the requirements for prosecution are not present, the officer will tactfully but firmly explain to the complainant the limits of police and city attorney involvement allowed by the law. NOTE: In no instance is a complainant to be referred to the city attorney's Office, the county court, a district station, or to the Information Desk at the Police Administration Building.

c. Investigation:

The officer receiving this information will forward it to the Traffic Investigations Unit on a General Occurrence (GO) report titled, "Moving Traffic Violation". Traffic Investigations Unit detectives will conduct a follow-up investigation and will notify the complainant when necessary.

(2) MISUSE OF LICENSE PLATE VIOLATIONS:

Misuse of plates violations, CRS §42-3-121(1)(b), will be handled by issuing a Uniform Traffic Summons and Complaint/Penalty Assessment Notice (DPD 275M). NOTE: Officers should use their best judgement as a recent change of ownership or transfer of plates may not be reflected in the master file. The vehicle on which the plates are attached should not be impounded unless there are other violations or circumstances in addition to misuse of plates in which impounding is authorized by policy. See OMS 205.01.

(3) SPEEDING CITATIONS:

All speeding citations will be written in conformance with the municipal traffic code.

- Officers will acquaint themselves with the location, type, size, and wording of speed zone signs in their respective assigned area.
 - The officer citing the violation will complete the citation for speeding, noting the speed the vehicle was traveling and the legal speed limit. If conditions warrant, officers may add the charge of careless or reckless driving. Officers must be able to articulate the driving behavior that constituted either the charge of careless or reckless driving.
 - Officers generally should not cite careless or reckless driving in lieu of a charge of speeding. Speeding may be used as a contributing factor in sustaining a charge of careless or reckless driving.
 - Officers enforcing speed laws will use their judgment regarding the number of miles per hour over the legal speed limit a motorist is permitted before being stopped and warned or cited.
 - In cases of inadequate markings or signs, officers will not take enforcement action. They will bring the deficiency to the attention of traffic engineering at trafficengineering@denvergov.org and attempt to have the error corrected unless ordinance does not require markings or signs.
-

202.06 DRIVING UNDER THE INFLUENCE

(1) GENERAL PROCEDURES:

When officers contact drivers who they suspect to be under the influence of alcohol and/or drugs, the following steps will be taken:

- a. Once the violator is stopped, he/she should not be allowed to drive further. If necessary, the officer should park the vehicle legally.
- b. If the officer suspects the violator is under the influence of alcohol and/or drugs, the officer will offer the violator an opportunity to perform voluntary roadside maneuvers (Standardized Field Sobriety Test – SFST Battery). A refusal to perform roadside maneuvers does not constitute a refusal to take a blood or breath test. If the voluntary roadside maneuvers are not administered and an arrest occurs, the officer will document the circumstances, such as injury, refusal, etc., in the Sobriety Case Summary (DPD 243).
- c. If the officer determines the individual should have further testing, they will be advised that he/she is under arrest for investigation of driving under the influence.
- d. The officer should determine whether the arrestee desires a blood test or a breath test. The arrestee will then be transported to the Van Cise-Simonet Detention Center - DUI room to take a breath test or to the Denver Health Medical Center emergency room for a blood test. Once a DUI arrestee has decided to take either a blood or a breath test, the decision regarding the type of test is irreversible. NOTE: If the arrestee refuses to submit to a test, a Notice of Revocation or Denial Form (DR-1576) will be completed. The second copy of this form will be given to the arrestee.
 1. The arresting/processing officer is responsible for monitoring the condition of the arrestee until the individual is placed in jail, detox, or released to a sober adult. If released to a sober adult, the name, phone number and time contacted will be noted on the Sobriety Case Summary.
- e. The arresting officer will obtain an NCIC/CCIC clearance on the arrestee and will indicate the results on the Sobriety Case Summary (DPD 243).

(2) BICYCLISTS:

- a. Operators of bicycles may be charged with DUI, DWAI or DUID after conferring with the DUI Unit or the Traffic Investigations Unit (TIU) under the provisions of CRS §42-4-1301. Bicycle operators are required to obey all traffic laws as they apply to motor vehicle operators and may be contacted because of a traffic law violation.
 - b. Officers will ask the operator to perform voluntary roadside maneuvers if indicators of intoxication are present. Officers must articulate probable cause to arrest the operator of the bicycle for DUI, DWAI or DUID in the same manner as they would for a driver of a motor vehicle. The bicycle operator will be offered a blood or breath test.
 - c. A bicycle operator is not subject to having his/her driver license revoked for refusal to submit to a test. DO NOT COMPLETE A REVOCATION FORM AND DO NOT CONFISCATE HIS/HER DRIVER LICENSE. A bicycle operator charged with DUI, DWAI, DUID faces a zero (0) point alcohol violation which does not impact his/her driver's license.
 - d. Once the operator has been arrested the officer will arrange for the bicycle to be transported to the Bicycle Impound via a district station or released to a responsible person with the arrestee's permission. Bicycles will not be parked and locked.
 - e. An arresting officer will notify TIU when an operator of a bicycle is involved in a crash where there is serious or fatal injury.
 - f. The Denver District Attorney's Office will review all directly filed bicycle operator arrests for DUI, DWAI and DUID. Charges may be modified based on this review. For this reason, the investigating officer should be detailed in his/her statement, sobriety case summary and/or
-

statement of probable cause regarding the reason for the stop and indications of intoxication.

(3) BREATH ANALYSIS:

Breath analysis does not replace or exclude the use of the blood alcohol test. If the individual requests a blood alcohol test, he/she will be given the opportunity to take a blood test in lieu of a breath test.

(4) ARREST OF GOVERNMENT VEHICLE DRIVERS:

When the driver of an RTD vehicle (or any government vehicle) is taken into custody for investigation of DUI, the arrestee's supervisor will be notified immediately. See OMS 104.26.

(5) FINGERPRINTING, PHOTOGRAPHING AND CLEARANCE PROCESSING:

NOTE: Fingerprinting and picture taking will take place only after the arrestee has completed the breath or blood test.

a. Breath Test, Walk-in Blood Test, or Refusal:

The arresting/DUI officer or TIU detective will complete all necessary fingerprinting, photographing and clearance processing. NOTE: Walk-in Blood Test only - after the blood draw, the arresting/DUI officer will transport the arrestee to the DUI room to complete the following:

1. Fingerprints will be sent to the Identification Unit for clearance. If the arrestee has valid photo identification or is known to the officer and has been photographed and fingerprinted, the processing of the arrest will be completed. If (at a later time) fingerprints reveal that the individual listed on the identification is not the individual who was processed, the findings will be reported to TIU detectives for follow-up investigation.
2. If there is a question about the identity of the individual, the officer will wait for fingerprint clearance information from the Identification Unit. Upon receiving clearance information, the processing of the arrest will be completed.

b. Blood Draws on Injured Individuals at DHMC:

The DUI arrestee may be placed on a DUI hold with the Denver Sheriff Department.

1. The arresting/DUI officer will notify DHMC sheriff deputies after the blood draw has been completed.
2. A Denver Sheriff Department deputy will fingerprint the individual on two fingerprint cards and give them to the arresting/DUI officer who will then hand-carry the cards to the Identification Unit.

c. Blood Draws on Injured Individuals at Hospitals other than DHMC:

Hospitals within the City of Aurora do not allow the use of their medical staff to complete blood draws. A supervisor in the Traffic Operations Section or the Traffic Investigations Unit may be contacted to determine which private company will conduct the blood draw. The same procedure should be followed for any other hospital that requires the use of a private entity to conduct blood draws. After completing the blood draw, the arresting/DUI officer will take a picture of the arrestee and use an Identiseal to print their right index finger on the back of the picture or advisement form.

1. The photograph must be checked into the Evidence and Property Section as evidence.
2. The arresting/DUI officer or TIU detective will stamp "NOT FINGERPRINTED AND CLEARED" across the Unified Summons & Complaint so the judge can order the individual to be fingerprinted following their first appearance.

d. Reporting:

To accommodate these procedures, arresting/DUI officers will also complete a Denver Police Department Booking Slip (DPD 786). The CAD incident number will be written on the Denver Police Department Booking Slip (DPD 786) as well as at the top of the Sobriety Case Summary

(DPD 243).

- e. Arresting officers will request a clearance on the arrestee while en route to the Van Cise-Simonet Detention Center - DUI Room.

(6) BREATH ANALYSIS TEST:

If the arrestee chooses to take a breath test, the Breath Analysis Consent Form (DPD 14), will be completed. The arrestee must sign the Breath Analysis Consent Form to give consent for the breath test. The officer must closely and continuously observe the subject for a period of twenty (20) minutes prior to testing to detect any belching, regurgitation or intake of any foreign material by nose or mouth. If such occurs, another twenty (20) minutes of close and continuous observation must elapse under the same conditions.

- a. When the arrestee's breath analysis test indicates a blood alcohol level of 0.08 or higher, and the test was administered to the individual within two hours of the violation witnessed by an officer, or, in the case of an accident, within two hours of the time the accident occurred, the individual is in violation of the D.U.I. per se law. The Notice of Revocation or Denial Form (DR-1576) will be completed. The second copy of this form will be given to the arrestee.
- b. Whenever the arrestee's blood alcohol level exceeds 0.30, the intoxilyzer operator will advise the intake deputy sheriff at the Van Cise-Simonet Detention Center or detox personnel of the blood alcohol level.
- c. All completed forms will be given to the intoxilyzer operator before the arresting officers leave the detention center.

(7) BLOOD ALCOHOL AND DRUG TEST:

When a DUI arrestee has been taken to Denver Health Medical Center for treatment or requests a blood alcohol test in lieu of a breath test, all necessary forms are available in a kit at the emergency room. If an arrestee is taken to a hospital other than Denver Health Medical Center, the officer will retrieve, or arrange to have transported to their location, a blood kit from Denver Health Medical Center or the DUI room. Once the individual consents to a blood test, the officer will request it be performed by qualified medical personnel. See Section (5) c. of this policy.

- a. Instructions in the kit must be followed carefully. No markings on the kit should be damaged. The evidence bag must be saved.
- b. The Blood Withdrawal Consent form (DPD 6) will be completed, including the name of the person drawing the blood, location on the body from which the blood was drawn, the date, the time, the arrestee's signature, and the officer's name as a witness.
- c. When a fatal or serious bodily injury accident has occurred, and felony charges may be filed against the driver, a Traffic Investigations Unit detective will be called to assist. Officers will make all reasonable efforts to obtain consent for blood to be drawn from the drivers in such cases. If the individual is refusing to submit to a blood test, a search warrant must be obtained unless a TIU detective determines that exigent circumstances exist. TIU detectives will be advised as soon as possible concerning all such refusals and will follow TIU investigative processes to secure a search warrant.
 - In the event an individual is unconscious, blood may be drawn without consent or a warrant under CRS §42-4-1301.1(8) at the direction of a TIU detective.
- d. Medical personnel drawing the blood will complete four labels. These labels will be signed by the officer as the witness, and then used to seal the gray-topped test tubes. The test tubes and evidence bag will then be taken directly to the Property Management Section.
- e. The Toxicological Request Form will be completed. The blood alcohol kit number should be noted on this form as well as on the Sobriety Case Summary (DPD 243). The Toxicological Request should be placed in the evidence bag, which should then be initialed, dated, and sealed by the officer.

- f. All reports will be hand-carried to the Traffic Investigations Unit.
- g. Suspected Drug Use – Testing:
 - 1. When available, a Drug Recognition Expert (DRE) officer should be notified. When a DRE officer is unavailable, a blood sample can still be taken per Colorado Express Consent Law. When testing a person who is suspected of driving under the influence of drugs, an indication of the type of drug used should be given whenever possible.
 - 2. When testing a person suspected of driving under the influence of drugs, a blood sample is required. NOTE: This requirement still applies if both drugs and alcohol are suspected.
 - 3. Officers will ensure that an approved Denver Police Department blood kit is used and that two (2) vials of blood are obtained. Once the blood is drawn and the blood kit is sealed, it will then be placed into the Evidence and Property Section as evidence.
- h. Blood Specimens:
 - 1. Proper personnel must witness all blood specimen draws; either medical personnel, police officers or jail personnel. The full name of the witness to the specimen will be on the Sobriety Report (DPD 243). Blood samples will be taken only in conjunction with suspected drug use.
 - 2. Blood specimens must be hand-carried to the Evidence and Property Section in a Denver Police Department approved blood kit, sealed with the evidence tape provided. A Request for Analysis form will be placed inside the box.

(8) TEMPORARY LICENSE:

The officer who completes the Notice of Revocation or Denial Form (DR-1576) may issue a temporary license when the arrestee signs the form and relinquishes his/her valid Colorado driver license.

(9) ARRESTEE PLACEMENT POST PROCESSING (MISDEMEANOR CHARGES):

The DUI officer/TIU detective will decide whether the arrestee will be jailed or processed and transported to a detoxification facility. The arrestee may be jailed in the following instances:

- a. The identification of the individual cannot be reasonably verified.
- b. The individual has demonstrated combative behavior resulting in additional charges or behavior that could jeopardize the safety of detox staff and clients.
- c. The individual is wanted on an outstanding warrant.
- d. The individual's behavior was willful or deliberate and threatened or created a risk to the public's safety.
- e. The individual has a prior DUI conviction.
- f. The individual is a habitual traffic offender.
- g. The individual is suspected of other crimes.

(10) FELONY DUI ARRESTS:

- a. DUI, DUI per se, or DWAI is a class 4 felony offense (F4) if the violation occurred after 3 or more prior convictions for:
 - 1. DUI; or
 - 2. DUI per se; or
 - 3. DWAI; or
 - 4. Vehicular Homicide (alcohol driving offense); or
 - 5. Vehicular Assault (alcohol driving offense); or
 - 6. Any combination thereof. NOTE: The vehicular homicide and vehicular assault convictions

- must be based on an alcohol driving offense and not a mere reckless driving offense.
- b. During the processing of a DUI or DWAI arrest, officers will be required to determine if the arrestee meets the above criteria for an investigative felony hold for the charge of DUI – Repeat Offender (F4).
 - c. The arrestee's driving and criminal history is a basis for this charge and must be reviewed by the arresting officer prior to deciding if he/she should be served a US&C for a misdemeanor offense or jailed for a felony investigative hold. To determine if previous convictions regarding the individual meet the criteria for the felony level charge, the arresting officer will request a nationwide driver's history, looking specifically for a vehicular homicide (alcohol and not reckless), vehicular assault (alcohol and not reckless), DUI, DUI Per Se, or DWAI conviction history.
 - d. Any arrestee who has 3 or more convictions recorded, without regard to date of conviction, will be considered a repeat offender and jailed for Investigative Hold – Felony DUI. The offenses and conviction dates will be listed in the probable cause statement. A General Occurrence (GO) report will be completed, detailing the facts of the arrest and left in open status to ensure routing to the Traffic Investigations Unit. All paperwork created during the arrest processing (e.g., the DUI Sobriety Case Summary, written statements, etc.) will be hand-carried to the Records Unit for immediate scanning.

202.07 BOOKING FOR TRAFFIC CHARGES

(1) GENERALLY:

The policy of the Denver Police Department is to limit the incarceration of individuals for traffic offenses to those persons who, in the department's judgment, reasonably may not appear before the court or whose behavior threatens or has created a substantial risk to public safety. Alternative disposition methods for those arrested on traffic charges are the release to a responsible party or transfer to a detoxification center, when feasible.

(2) TRAFFIC INVESTIGATIONS UNIT AUTHORIZATION:

All booking for traffic arrests (other than DUI, habitual traffic offender, and speed contest) must be approved by the Traffic Investigations Unit. During the hours of 0300 to 0600, when an on-duty Traffic Investigations Unit officer is unavailable, officers should request the on-call Traffic Investigations Unit supervisor through Denver 911.

- a. No individual will be jailed on misdemeanor traffic charges unless one of the following criteria is met.
 1. The identification of the individual cannot be reasonably verified.
 2. The individual has demonstrated combative behavior resulting in additional charges.
 3. The individual is wanted on an outstanding warrant.
 4. The individual's behavior was willful or deliberate and threatened or created a risk to the public's safety.
- b. All arrests for felony traffic charges will be jailed.
- c. Any person being held for INVESTIGATION of a traffic charge must be processed by a Traffic Investigations Unit detective prior to jailing.

(3) MISDEMEANOR TRAFFIC CHARGES:

When jailing a person for misdemeanor traffic charges, a Unified Summons & Complaint will be completed. The officer will serve the defendant's copy to the arrestee. The remaining copies will be sent to the Detention Center with the arrestee. All necessary information leading to the arrest will be left with the Traffic Investigations Unit immediately prior to jailing.

(4) DRMC ORDINANCE AND TRAFFIC VIOLATIONS:

When a DRMC ordinance violation occurs, in addition to a traffic violation (all arising from the same or continuing incident), officers will proceed as follows:

- a. If the traffic charges pending against the driver would fall into the "infraction" category, complete and serve the defendant with both a Unified Summons & Complaint and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
 1. Because traffic infractions are classified as civil violations, double jeopardy does not occur from requiring two court appearances arising from the same incident.
- b. If the traffic charges pending against the driver would fall into the "designated criminal violation" or "criminal violation" category, a Unified Summons & Complaint will be completed, charging the appropriate DRMC ordinance violation. The applicable traffic charge(s) will then be added in the "Other Violations" section of the same Unified Summons & Complaint.
 1. All proceedings will be held in the same courtroom. Denver County Court will obtain the required traffic records and prepare traffic conviction transcripts for the State of Colorado Motor Vehicle Department.
 2. This procedure avoids two trials and prevents the possibility of the defendant paying or resolving a minor traffic citation and then having the higher DRMC ordinance violation dismissed because of double jeopardy.
 3. Information concerning the defendant's driver license, vehicle description and license number must be obtained and noted on the city attorney's copy in the space provided for vehicle information.

202.08 JUVENILES

(1) JUVENILES OVER THE AGE OF FOURTEEN:

Juveniles over the age of fourteen who are contacted by officers concerning traffic violations will be handled in the same manner as adults: The Uniform Traffic Summons and Complaint/Penalty Assessment Notice (DPD 275M) will be issued and processed by the Denver County Traffic Court.

Exceptions:

- a. If the incident involves a traffic charge which is classified as a criminal or designated criminal violation and another non-traffic ordinance violation, the Unified Summons & Complaint will be used for all charges.
- b. If the incident involves a traffic charge which is classified as an infraction in addition to a non-traffic ordinance violation, both a Unified Summons & Complaint and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be issued.

(2) CHILDREN BETWEEN THE AGES OF TEN (10) AND FOURTEEN (14):

State law provides that any child of ten (10) years or older may be charged with traffic violations; however, the prosecution must prove that a child between the ages of ten (10) fourteen (14) knows the difference between right and wrong. Only under extenuating circumstances, and with the approval of a sergeant or the Traffic Investigation Unit, will a child between the ages of ten (10) and fourteen (14) be charged with any traffic violation.

(3) TRAFFIC VIOLATIONS COMBINED WITH OTHER OFFENSES:

Juveniles involved in incidents in which there are both traffic violations and other state statute offenses will be processed for the most serious violation/offense to determine whether a police-hold at Gilliam Youth Services Center or a release with an order-in is the appropriate disposition. If an order-in is served, it will be to the investigative section/unit responsible for the most serious violation/offense. Order-ins will generally be to the same investigative unit as with adult offenders. The Juvenile Section may be contacted for direction.

- a. Detectives responsible for the most serious violation/offense will notify other detective(s)

handling less serious violations/offenses of the order-in and coordinate the investigation.

(4) TRAFFIC OFFENSE ARRESTS:

Juveniles arrested for traffic offenses will not be placed in the detention facility. They will be taken to the Traffic Investigations Unit where it will be determined if they are to be held. See OMS 401.02.

202.09 BICYCLES AND MOPEDS

(1) APPLICABLE LAWS:

Every person riding a bicycle or a moped (low-power scooter) is subject to laws applicable to the driver of a motor vehicle, except for special regulations and provisions which by their nature have no application.

(2) BICYCLES:

- a. On traffic citations issued to bicyclists, the officer will indicate in the "Other Violation" section, Motor Vehicle Laws Apply to Bicycles (DRMC 54-565), followed by the number and title or description of the ordinance which was violated.

Example: Motor Vehicle Laws Apply to Bicycles (DRMC 54-565)
Taking the Right of Way on a Left Turn (DRMC 54-179)

In the vehicle description space, write "bicycle" so that points are not mistakenly assessed to the bicyclist's driver's license.

- b. Traffic accident reports will be made for accidents involving bicycles and operated motor vehicles, when the criteria in OMS 203.02(1) have been met.

(3) MOPEDS (LOW-POWER SCOOTER):

A low-power scooter is defined in CRS §42-1-102(48.5) as a vehicle with less than 4 wheels, not exceeding 50cc (6HP), or 4476 watts of electricity with an automatic transmission which is designed for primary use on a roadway.

- a. A low-power scooter's registration will consist of a state issued decal affixed to the frame in a conspicuous place.
- b. CRS (§42-2-103) requires operators of low-power scooters to possess a valid driver's license. In addition, operators of low-power scooters must carry liability insurance.
- c. A low-power scooter may only be operated at a maximum speed of 40 mph. No low-power scooter shall be operated on any interstate system as described in CRS §43-2-101(2), except where a bicycle may be operated on such interstate system, on any limited-access road of the state highway system as described in CRS §43-2-101(1), or on any sidewalk, unless such operation is specifically designated. Low-power scooters may be operated upon roadways, except as provided in this section, and in bicycle lanes included within such roadways.

202.10 PEDESTRIAN TRAFFIC VIOLATIONS

(1) ENFORCEMENT GUIDELINES:

A pedestrian violating a traffic ordinance, on any city street, may be cited on a Uniform Traffic Summons and Complaint/Penalty Assessment Notice ONLY when:

- a. Vehicular traffic is also present which presents an imminent danger to the well-being of the violator, or
- b. The pedestrian's violation(s) impedes the normal flow of vehicular traffic.

(2) WARNING GUIDELINES:

In the absence of imminent danger to the pedestrian or motorists, or any interruption of the vehicular traffic flow on city streets, officers will:

- a. Orally warn the pedestrian violator, or

- b. Issue the pedestrian violator a Traffic Warning Ticket (DPD 175).

(3) PEDESTRIANS ON INTERSTATES OR MAJOR HIGHWAYS:

Officers observing any pedestrian traffic violator on any interstate or major highway will consider this action to present an imminent danger for the pedestrian or motorists and will generally enforce the ordinances: Walking along roadways (DRMC 54-543), or Restrictions on use of freeway (DRMC 54-237).

- a. In all instances, officers will make certain that pedestrian violators are removed from the interstate or major highway without delay.
- b. A second contact for the same offense or the presence of aggravating circumstances strengthens the case for citing the pedestrian violator on the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.

(4) CITATION / WARNING:

- a. Accurate identification information and the complete address of a violator must be clearly printed on the Uniform Traffic Summons and Complaint/Penalty Assessment Notice or on the Traffic Warning Ticket.
- b. When citing a person with an ordinance or statute violation, pedestrian violators unable or unwilling to provide officers with adequate proof of identity may be walked through the Identification Section to establish a positive identification. Taking a person to the Identification Section to establish his/her identity will be for the purpose of an enforcement action, not a warning.
- c. Details of the violation will be included on the back of the Courtesy Traffic Warning Ticket, in the same manner as the back of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.

202.11 PARKING CITATIONS

(1) PARKING ENFORCEMENT POLICY:

- a. It will be the policy of the department to afford the driver or licensed occupant of an illegally parked vehicle the opportunity to move the vehicle prior to a citation being issued. The exception to this policy will be vehicles parked illegally in safety zones (to include school zones).
- b. Officers will not cite a vehicle in continuous violation of a non-time specific parking zone more than once per day (e.g., no parking anytime, etc.). Each succeeding day will constitute a new and separate offense.
- c. Officers will not cite a vehicle in continuous violation of a time specific parking zone more than once in the a.m. and once in the p.m., in a single day (e.g., metered and limited time zones, etc.).

(2) MAXIMUM VIOLATIONS PER CITATION:

A parking citation will not contain more than three (3) parking violations. If more than three (3) violations exist, additional citations will be used.

(3) REQUIREMENTS:

The parking citation requires a plate type, plate number, state, vehicle make, vehicle style, date and time of offense, and violation.

- a. Check boxes are included for the most common plate type, license state, and vehicle make.
- b. The flyleaf on the citation book contains state abbreviations, plate type codes, and abbreviations for vehicle makes and styles which will be used when a check box is not adequate.
- c. If the vehicle being cited has no license plate or has a temporary registration permit, enter the last eight (8) digits of the VIN in the plate number boxes. The entire VIN number and temporary permit number, if applicable, will be written in the comments box.

(4) NON-PREPRINTED VIOLATIONS:

Officers writing parking tickets for violations which are not preprinted on the ticket must include an DRMC ordinance number, as well as a description of the illegal parking in one of the "Miscellaneous" boxes (numbered 16 or 66).

(5) TRAFFIC IMPAIRMENT:

When a parking violation results in an actual or potential impairment to traffic flow, the appropriate violation(s) listed with an asterisk (*) will be checked.

(6) PRIVATE PROPERTY:

- a. Upon complaint by the owner or agent of any private property, an officer will issue a parking citation, placing the citation on the vehicle in a visible location. The name, address, telephone number and signature of the complainant will appear on the front side of the ticket, in the comments area. NOTE: If the complainant is representing a business firm, the address and phone number of the business should be used. Do not use the complainant's home address and phone number under these circumstances.
- b. The ordinance does not authorize the police department to impound vehicles for this violation. See OMS 205.01 (7) and (8).
- c. Complainants will be ordered into court to testify in all cases of appeal.

(7) ON-DUTY CITATIONS:

All parking citations issued while on-duty will be turned in per division/assignment protocol or to the Records Unit (if no division/assignment protocol exists) prior to going off-duty.

(8) CITATIONS ISSUED WHILE OFF-DUTY:

All citations issued by off-duty officers, including those issued during approved secondary employment, will be turned in at a district station, the Traffic Operations Section, or the Records Unit within eight (8) hours of the end of the secondary employment shift.

202.12 IMMOBILIZATION DEVICES

(1) GENERAL GUIDELINES:

Within the City and County of Denver, the Parking Violations Bureau (a non-police department city agency) is tasked with locating, placing, and removing immobilization devices (vehicle boots) on offender vehicles. Officers encountering persons regarding the removal of a city-owned immobilization device will direct them to the Parking Violations Bureau (1-866-280-9988).

- b. Officers dispatched to a location where an agent of the Parking Violations Bureau is attempting to install or remove an immobilization device from a vehicle will prevent a breach of the peace and support the agent's lawful and appropriate parking management efforts. The Parking Violations Bureau has the resources available to complete their mission and officers will only act to prevent or address criminal activity.

(2) PRIVATE PROPERTY:

Vehicles can be immobilized on private property by private individuals only in accordance with the provisions and restrictions as set forth in DRMC 55-178, Illegal Towing. In these instances, officers will be primarily concerned in preventing a breach of the peace, however, in the following circumstances, appropriate actions will be taken:

- a. In cases of theft, a General Occurrence (GO) report will be made. If known, a description of the suspect's car and license number will be included.
- b. In cases of damage to private immobilization devices, the person will be charged with DRMC 38-71, Damaging, Defacing or Destruction of Private Property.

1. If the responding officer is a witness to the charge, the officer will either jail or order-in the violator. Order-ins are preferable unless circumstances warrant jailing.
2. If a complainant or third-party witnesses the act (and can identify the violator), they will co-sign the Unified Summons and Complaint and the officer will charge the suspect with the appropriate ordinance (provided the suspect is still on-scene or can be located).
3. If the suspect has left the scene and the complainant desires further investigation, officers will follow the procedures outlined in OMS 104.07.

202.13 VEHICLE REGISTRATION VIOLATIONS

(1) ASSISTING DENVER MOTOR VEHICLE (DMV):

When an agency investigator of the Denver Motor Vehicle Department contacts a Denver police officer for a violation of CRS §42-3-103(4)(a), the officer may impound the vehicle for improper registration. On those vehicles impounded, the following procedures will be followed:

- a. A citation for CRS §42-3-103(4)(a) "Failure to obtain Colorado plates within 90 days of residency," will be issued by the officer. This will also be signed by the agency investigator.
- b. An Impounded/Recovered Vehicle Report (DPD 224) will be completed by an agency investigator and co-signed by the officer.
 - 1 Reason for impoundment will be "Failure to obtain Colorado plates after ninety (90) days."
 - 2 Citation number and motor vehicle notice number will be included on the Impounded/Recovered Vehicle Report (DPD 224).
 - 3 Also included will be date of original notice to indicate the ninety (90) day period has elapsed.

(2) OFFICER INITIATED INQUIRIES:

Officers suspecting that an out-of-state licensed vehicle is owned by a legal resident of this state will notify the Traffic Investigations Unit in writing. The TIU investigating officer will in turn notify the Denver Motor Vehicle Department.

202.14 VISIBLE EMISSIONS

(1) CITATIONS:

Emissions and opacity (DRMC 4-41) will be charged on the General Violations Summons & Complaint. The General Violations Summons and Complaint will be completed and served to ensure cases are filed in the Environmental Court.

- a. Other violations coming to an officer's attention will be written on a separate Unified Summons & Complaint or Uniform Traffic Summons and Complaint/Penalty Assessment Notice (whichever is applicable). If two citations are issued, summons numbers should be cross referenced in the officer's notes to ensure the charges will be tried at the same time.
- b. The appearance date will be thirty (30) days from the date of issuance. Do not make the appearance date fall on a Saturday, Sunday, or holiday.
- c. The officer's notes will include the information pertaining to vehicle identification, such as year, make, model, license, and identification number.
- d. It is NOT necessary for the defendant to sign the General Violations Summons and Complaint when charging DRMC 4-41.

(2) TEMPERATURE AND ENGINE TYPE REQUIREMENTS:

When the temperature is thirty (30°) degrees Fahrenheit or lower, no violations will be charged. When

the temperature is above thirty (30°) degrees Fahrenheit, the owner or operator of any motor vehicle exceeding visible emissions limits will be charged as follows:

- a. If the vehicle has a gasoline-powered engine emitting visible air contaminants for a period greater than five (5) seconds, the owner or operator will be charged with a violation of DRMC 4-41(a), titled "Emissions from gasoline-powered engines" on the General Violations Summons and Complaint.
- b. If the vehicle has a diesel-powered engine emitting visible air contaminants which exceed twenty percent (20%) opacity for a period greater than ten (10) seconds (excluding diesel powered locomotives engaged in switching operations which are allowed forty percent opacity), the owner or operator will be charged with a violation of DRMC 4-41(b), titled "Emissions from diesel-powered engines" on the General Violation Summons and Complaint. NOTE: Only officers certified by the Denver Department of Health and Hospitals are authorized to enforce the provisions of the ordinance that pertains to diesel emissions.



203.00 TRAFFIC ACCIDENT INVESTIGATION

REVISED: 03/09/2018

PAGE: 1 OF 27

203.01 INITIAL RESPONSE

(1) GENERAL GUIDELINES:

A traffic accident is defined as unintentional damage or injury caused by the movement of a vehicle or its load. The main objective of an accident investigation is to determine if there was a violation of law, and if so, to prove each element of the offense. An officer or Denver 911 employee receiving a report of an accident (by telephone or other means) will:

- a. Ascertain the exact location of the accident and determine if any injuries have occurred.
- b. Request necessary resources and assistance (e.g. paramedics, fire department, tow truck, etc.)
- c. Direct parties involved to move their vehicles (if possible) from traffic lanes to expedite traffic flow. If the accident is on a highway and vehicles are drivable, instruct the drivers to move to a safe location off the highway (if possible), but to the shoulder at a minimum. Depending on circumstance, the Denver Fire Department may request that vehicles be moved (or towed) out of traffic lanes to a less obstructive and/or nearby safe location.

Vehicles are not to be moved when the accident involves injury, if a driver is suspected to be under the influence of drugs or alcohol, or is otherwise impaired due to an emotional or mental state.

- d. Use the guidelines in OMS 203.02(1) to determine whether a report will be made at the scene of the accident.

(2) UPON ARRIVAL AT THE SCENE OF AN ACCIDENT, THE FOLLOWING STEPS WILL BE TAKEN:

- a. To the degree possible, position the police car so that it does not create further hazard.
 - b. Protect the accident scene.
 - c. Check all vehicle occupants for personal injury and evaluate the physical condition of the drivers. Determine whether injuries have occurred and request an ambulance and other assistance (if necessary). If practical, render first aid (see OMS 116.06). If any driver appears to be under the influence of intoxicating liquor or drugs, the investigation will proceed as outlined in OMS 204.02.
 - d. Check for hazards at the scene and notify the dispatcher if any repairs are needed. Restore a safe traffic flow as soon as is practical. Officers will attempt to identify all potential hazards, making sure the roadway is cleared for safe travel, and use appropriate safety precautions regarding damaged vehicles (i.e., such as flammable liquids, hazardous cargo, hybrid, and electric vehicle systems, etc.)
 - e. When the fire department is called to extricate individuals trapped in any manner, the ranking officer of the fire department at the scene will be in complete charge until rescue operations have terminated.
 - f. Give each driver a Crash Information Exchange Form (DPD 599) after completing the space marked "investigating officer". Officers will point out the information on the reverse side of the form regarding towing procedures.
 - g. Determine if a report will be made. If a report will not be made, then the subsequent procedure will be followed:
 1. Verify the validity of any involved vehicle registration, driver license and insurance requirement.
-

2. Advise each driver that, if the damage to any one vehicle or property is later found to exceed the minimum damage criteria established by statute, a counter report/online report should be made by all drivers involved.
3. On the Daily Activity Log (DPD 120), the officer will document the names and license plate numbers of all persons involved, as well as a description of the actions taken.
4. Ensure that the vehicles involved do not present a traffic hazard prior to leaving the scene.
5. Be aware of potential hazards and use appropriate safety precautions regarding damaged vehicles, such as flammable liquids, hazardous cargo, hybrid, and electric vehicle systems, etc.

(3) FIELD INVESTIGATION:

- a. The scene examination should start where the vehicles came to final rest. Debris and/or broken parts from the vehicles will help locate the key events and indicate the paths of the vehicles involved. Skid marks show position and direction of travel, evasive action, or unlawful behavior.
- b. Some evidence in accident investigation is very fragile: pools of gasoline, oil, blood, pieces of broken glass, clothing transfer, on road surfaces. Evidence which can be damaged, altered, destroyed, or removed from the scene by a willful or negligent act, must be identified, secured and included on the diagram prior to any alteration.
- c. Obtain all information required for the accident report, including statements from all drivers and witnesses.
- d. In cases where the driver of a vehicle involved in an accident is not the owner and cannot establish his or her relationship with the owner, officers will clear the vehicle through CCIC/NCIC to ascertain if it has been reported stolen. When possible, the owner should be contacted to establish the driver's authorization to be in possession of the vehicle.
- e. Check vehicles for mechanical soundness of lights, brakes, windshield wipers and other auxiliary safety devices, the operation of which may have affected the accident.
- f. Contact involved persons at the hospital, if necessary, to obtain further information.
- g. Cite the at fault driver for the accident causing violation and any other charges, if applicable.

(4) CITING OF ACCIDENT CAUSING VIOLATIONS (TRAFFIC ACCIDENT REPORT NOT COMPLETED):

Although officers are not required to make a traffic accident report if the state minimum damage criteria are not met and none of the criteria in OMS 203.02(1) is present, they will cite drivers for the accident-causing violation without completing a report following the procedure below:

- a. Examine all involved driver license, registration and insurance requirements.
 - b. Ensure that the Accident Exchange Information Form (DPD 338) is completed and exchanged.
 - c. Investigate to ascertain if an accident causing violation has occurred.
 - d. If there is sufficient evidence to support a violation, a citation will be issued. If a citation is issued, check the "Accident" box on the Uniform Traffic Summons & Complaint/Penalty Assessment Notice.
 - e. Officers will include in their notes, on the reverse side of the city attorney's copy, the results of their investigation, including:
 1. A simple diagram or description of the accident.
 2. The defendant's statement.
 3. A description of the weather and street conditions.
 4. The names of other drivers or independent witnesses to be subpoenaed.
 5. Any other information the officer deems necessary.
-

- 6. A note must be made at the top, reverse side, of the City Attorney's copy that an accident report was not completed, due to an insufficient amount of property damage.
- f. Nothing in this procedure precludes an officer from completing a traffic accident report when called to the scene of a minimal property damage accident.
- g. When accident alert procedures are in effect, see section (7).

(5) JURISDICTIONAL DISPUTES:

- a. When an accident occurs on or near a Denver City and County boundary line, the responsibility to investigate and report the accident rests with the law enforcement agency having jurisdiction where the first harmful event occurred. (*The first harmful event is defined as the first point of injury or damage in the sequence of events in a traffic accident. A traffic violation is not, in and of itself, considered to be a harmful event.*)
- b. When a jurisdictional dispute arises at the scene of an accident, on or near a Denver boundary line, which cannot be resolved by the Denver Police Department officers and other law enforcement agencies at the scene, and it appears a report will not be made by any other agency, the accident report will be made by the Denver Police officer and appropriate traffic charges will be placed at the scene.

(6) PRIVATE PROPERTY ACCIDENTS:

- a. If necessary, Denver 911 will dispatch an officer.
- b. When an officer observes an accident or is notified of an accident by any means, he/she will complete the necessary reports whenever there is injury, fatality, hit-and-run, or alcohol involvement indicated.
- c. Absent an injury, fatality, hit-and-run, or alcohol involvement, persons notifying the police department of a private property traffic accident will be provided with reporting options:
 - 1. Drivers/property owners should exchange information
 - 2. Drivers/property owners will be directed to complete a counter report or online report.When persons involved in private property accidents (driver or property owner) insist on a police report, an officer will be dispatched and complete a report accordingly.
- d. In addition to the state statutes regarding hit-and-run and DUI cases, officers may cite violators involved in private property accidents with the following ordinances:
 - Reckless Driving (DRMC 54-126)
 - Drag Racing (DRMC 54-159)
 - Careless Driving (DRMC 54-158) *NOTE: should be included with the charge of Drag Racing*
 - Violations of any other traffic ordinance, such as unsafe backing or speeding, must be charged only as careless driving. The listed ordinances are the only ones interpreted as being applicable to private property accidents.
- e. The rules of issuing traffic citations on private property are the same as those that apply to city property. The violations must either be witnessed by the officer or, in the case of an accident; the officer must have probable cause to believe the violation did in fact occur.

(7) ACCIDENT ALERT PROCEDURES:

Accident Alert procedures will be implemented whenever insufficient police units are available to respond to the volume of traffic accidents reported to Denver 911 due to severe weather and road conditions, any emergency tactical alert, or other circumstances and conditions when insufficient police units are available. In making the decision to implement Accident Alert procedures, consideration will be given to the magnitude and expected duration of the event or weather incident, the availability of traffic officers for redeployment to the affected area, as well as the size of the affected area (district or citywide).

- a. The impact and importance of implementing the accident alert procedure, whether the alert needs to be citywide or specific to a district, and how long the alert remains in effect is significant to the level of service provided to the public.
- b. Following consultation with an on-duty supervisor of Denver 911, the decision to implement Accident Alert procedures rests with the Commander of the Special Operations Division, or if unavailable, the Captain (or acting captain) of the Traffic Operations Section.
 - District command officers may request an Accident Alert by contacting a Denver 911 on-duty supervisor. The Denver 911 on-duty supervisor will then contact and inform the Commander of the Special Operations Division, or if unavailable, the Captain (or acting captain) of the Traffic Operations Section.
- c. Denver 911 operators receiving accident calls will complete a CAD entry with the complainant's name, address, and location of the accident. The Denver 911 operator will ascertain if injuries are involved or other conditions requiring police intervention exist. If police officers are not sent, the complainant will be advised to file a counter report and that no further police action will be taken.
- d. During Accident Alert, police units will be dispatched to accidents involving death or injury, street closures, city property, city vehicles, on-duty city personnel, or when a driver is reported to be under the influence of drugs or alcohol. An officer will also be sent when there are other problems requiring police intervention, such as a refusal/failure on the part of any involved driver to provide his/her name and address, and/or to show a driver's license or proof of insurance upon request. Absent these circumstances, officers will not be dispatched to traffic accidents. *Officers dispatched to a traffic accident must follow normal procedures as though there was not an Accident Alert in effect.*
- e. The on-duty 911 supervisor and his/her relief will provide updates to the Commander of the Special Operations Division, or if unavailable, the Captain (or acting captain) of the Traffic Operations Section on pending calls for service, available police units and other pertinent information. When sufficient police units are available to respond to accidents, the Commander of the Special Operations Division, or if unavailable, the Captain (or acting captain) of the Traffic Operations Section will immediately notify Denver 911 to discontinue Accident Alert procedures.
- f. As a result of an Accident Alert, district station clerks and officers assigned to the Information Desk Unit will assist citizens in making a counter accident report when necessary. The report will be stamped "Counter Report" and no further action will be taken. See OMS 203.06

203.02 STATE OF COLORADO TRAFFIC ACCIDENT REPORT

(1) REPORTING REQUIREMENTS:

Officers will investigate and make a report on any traffic accident in the following situations:

- a. The damage to the property or vehicle of any one person exceeds the minimum damage criteria established by statute. When there is a question as to the amount of actual damage, an accident report will be made. When accident alert procedures are in effect, see OMS 203.01(7).
- b. A personal injury or fatality is involved.
- c. City and County of Denver property, vehicles or on-duty city personnel are involved.
- d. An involved driver is suspected to be under the influence of alcohol or drugs.
- e. An involved driver operated a vehicle with driver license restraints, had an improperly registered vehicle, or failed to produce proof of insurance. The fact that a driver is cited for having no proof of insurance must be noted on the accident report.
- f. An involved driver left the scene without fulfilling statutory information requirements when solvability factors are present at the time of reporting, see OMS 203.04. In the absence of

solvability factors, officers may advise the victim of the on-line reporting option, see OMS 203.06(2).

- g. Upon request, officers will investigate and report accidents which fall under the minimum damage criteria established by statute when:
 1. Public vehicles are involved, such as federal, state or other police agencies.
 2. When specifically requested to do so by one of the involved parties (C.R.S. §42-4-1606). The department will interpret this provision of the statute to mean that a request to investigate and report an accident must be made at the accident scene.
- h. When it is determined that a report will be made, the officer will complete the State of Colorado Traffic Accident Report (Form DR-2447) electronically via the MRE as outlined in the Denver Police Department Electronic Accident Report Reference Manual.
 1. Although the responsibility to accurately maintain the Electronic Accident Report Reference Manual is shared equally between the commanding officers of both the Traffic Operations Section and the Information Management Unit, primary responsibility for revisions to the manual will be initiated by the commanding officer of the Traffic Operations Section.
 2. A detailed explanation of the State of Colorado Traffic Accident Report can be found within the State of Colorado Investigating Officer's Traffic Accident Reporting Manual.

(2) CODE TABLES – DENVER SPECIFIC:

The following boxes on The State of Colorado Traffic Accident Report are agency specific to the Denver Police Department.

- a. County - DENVER
 - b. County # - 01
 - c. District Number - The reporting officer's detail and car assignment (example: 2-213)
 - d. Agency Code:
 1. If the report is a hit-and-run, the officer will enter 01 into the agency code box.
 - All reports marked 01 will be accompanied by a traffic case summary
 2. If the report is incomplete, the officer will enter 09 into the agency code box.
 - All reports marked "INC" will be accompanied by a traffic case summary
 3. If the report meets the requirements for an early case closure, enter 02 in the agency code box.
 - The criteria for establishing an early case closure can be found in OMS 203.04(7).
 - All reports marked 02 do not require a traffic case summary
 4. If the report is not a hit and run but involves a Denver Fire Department vehicle or on-duty firefighter, enter 04 in the agency code box.
 5. If the report is not a hit and run but involves a Denver Health Medical Center ambulance, enter 05 in the agency code box.
 6. If the report is not a hit and run but involves a vehicle belonging to the City and County of Denver (other than those listed above) or an employee during their working hours (other than those listed above), enter 06 in the agency code box.
 7. If the report is not a hit and run but involves property belonging to the City and County of Denver, such as buildings or fixtures, enter 07 in the agency code box.
 8. If the report is not a hit and run but involves and outside police agency, to include Denver Public Schools Department of Safety, enter 08 in the agency code box.
-

- e. District Number - Enter the district, division, section, or unit number of the reporting officer's assignment, followed by the precinct of occurrence. Assignment numbers:
 - 1 District One
 - 2 District Two
 - 3 District Three
 - 4 District Four
 - 5 District Five
 - 6 District Six
 - 7 Highway / HazMat Unit
 - 8 Road Rage Unit / City Enforcement Unit
 - 9 DUI Unit & Traffic Investigations Unit
 - 10 Airport Police Division, Metro/SWAT, Gang Section, Vice/Narcotics (and all others not listed)

(3) SECTION REQUIREMENTS:

Officers will accurately complete the all sections of the accident report based on the Electronic Accident Report Reference Manual and in accordance with the following procedures:

- a. Accident Report Narrative: Use the following format to describe the accident factually and concisely.
 - 1. Traffic Unit #1 (name), was traveling (direction), on (street), at a stated speed of (mph), (describe action/violation) and struck (or was struck by), Traffic Unit #2 (name), traveling (direction), on (street), at a stated speed of (mph).
 - 2. Another paragraph will be added to describe the actions of the traffic units after the impact.
 - 3. Do not include drivers' statements in the body of the report. Driver statements will be recorded in the reporting officer's statement of the accident report or as scanned images, if the statements are handwritten.
 - 4. All locations will be complete, indicating the type of thoroughfare and the direction.
 - 5. Do not list witness names and addresses in the body of the report. Witnesses will be recorded in the accident report as entities and any statements of their observations will be recorded in the reporting officer's statement or as scanned images, if the statements are handwritten.
 - 6. Accident reports that do not follow the outlined format, or as specifically indicated within the State of Colorado Investigating Officer's Traffic Accident Reporting Manual, will be returned to the reporting officer's commanding officer for correction.
 - b. Diagram Section – Requirements: The diagram section is used to present a pictorial description of the narrative portion of the report. Officers are not required to complete the diagram portion of DR2447 State of Colorado Traffic Accident Report, **with the following exceptions:**
 - 1. Fatal Accidents
 - 2. Injury Accidents
 - 3. Evident incapacitating: Any injury, other than a fatal injury, that prevents the injured person from walking, driving or normally continuing the activities the person was capable of performing before the injury. Examples include severe lacerations, broken limbs, and skull, chest, or abdominal injuries.
 - 4. Hit-and-Run Accidents: Diagrams for hit-and-run accidents will depict the most likely scenario of how the vehicles came into contact with each other and indicate how the
-

- damage occurred based on victim/witness statements and the officer's on-scene investigation, even if the vehicles were moved prior to the officer's arrival on-scene.
5. Accidents involving city vehicles, city property or on-duty city employees.
 6. Accidents involving DUI, DUID or DWAI
 7. Incomplete Reports
 8. Nothing in this policy precludes an officer from completing a diagram on an accident report.
- c. Diagram Section – Variables: A number of variables may affect an officer's decision to complete an accident diagram.
1. Collision events are complex and hard to describe in the narrative.
 2. Accident location is difficult to describe in the narrative.
 3. Necessity for documenting light patterns at an intersection for later testimony.
 4. Location is under construction and the roadway design may change.
 5. Location is under construction and barriers, cones, etc., are present and cannot adequately be described in the narrative.
 6. Line of sight obstructions for drivers are present and best depicted in a diagram.
 7. Some judges in county and traffic courts require the drawing of a diagram during an officer's testimony. If an officer cannot reproduce the diagram from memory and notes, the case will likely be dismissed. Officers should prepare by bringing to court an aerial photograph that depicts the intersection, or accessing mapping applications in order to reproduce the location for testimony. Courtrooms are not equipped with computers that officers can access for this purpose.
- d. Diagrams will be drawn using ScenePD and electronically uploaded/attached to the accident report.
- e. Measurements will be included in the diagram on all fatal and injury accidents, or whenever measurements are necessary to prove elements of the offense. The measurements indicating the point of impact will be included on the diagram unless the following circumstances exist:
1. The vehicles were moved and the drivers are unable to pinpoint where the collision occurred, and there are no other witnesses present, and there is a lack of physical evidence showing the location of impact.
 2. The measurements indicating the length of the paths of difficulty will be included on the diagram. Paths of difficulty include both skid and scuff marks.
 3. If measurements cannot be taken, it will be noted in the accident diagram with an explanation. The mere fact that the vehicles were moved prior to the officer's arrival is insufficient as the sole explanation.
- f. Insurance information
- Officers will accurately indicate insurance policy numbers and expiration dates of involved vehicles. If a city-owned vehicle is involved, the insurance information fields are as follows:
- Company - "City and County of Denver"
 - Policy Number - "Government vehicle, self-insured municipality."
 - *These are mandatory entries to comply with the Colorado Financial Responsibility Law.*
- g. All information required from Overlays A and B must be included on the accident report.
- h. Officers or Denver firefighters will provide every driver and owner(s) of property damaged in an accident the Crash Victim Information Sheet (DPD 599).

(4) DETERMINING VIOLATIONS:

When making a traffic accident report, officers have the responsibility of determining any violation and initiating appropriate court action.

- a. When a driver is cited for an accident causing violation on the Uniform Traffic Summons & Complaint/Penalty Assessment Notice, the officer will mark the "Accident" box and the "Significant Property Damage" box if the resulting damage to any vehicle or property of another person is moderate or extreme (*damage severity code 2 or 3*). If an injury/death has occurred as a result of the accident, the "Personal Injury/Death" box will also be marked.
- b. If the elements of an offense are lacking, and the officer is unable to obtain evidence sufficient to support a charge, none should be filed. Under these circumstances, the officer will include in the body of the report the reason no citation is issued, i.e., "No citation issued due to conflicting statements, lack of witnesses and/or physical evidence".
- c. List all witnesses, including the other driver(s) on the back of the City Attorney's Copy.
- d. Enter the issuing officer's correct bureau number on the space titled "BUR" on the Summons and Complaint/Penalty Assessment Notice. See OMS 203.02(2)e.

(5) REPORT SUBMISSION:

Upon review and approval by a supervisor, completed reports will be delivered to the Records Section through the online approval process within the MRE System. If citations have been issued, they will be forwarded by the issuing officer to the Records Unit via Inter-departmental mail. **THE OFFICER MUST SUBMIT FOR APPROVAL ALL ACCIDENT REPORTS AND MAKE ALL REQUIRED CORRECTIONS BEFORE THE OFFICER GOES OFF-DUTY.**

- a. **Citations written in conjunction with a traffic accident investigation will be routed to the Records Unit via the appropriate envelope located at the officer's assignment.**

(6) ACCIDENTS INVOLVING SCHOOL BUSES:

Officers investigating a collision involving a school bus will notify the Traffic Investigations Unit in the event that a bus occupant is injured. TIU will coordinate the investigation with the responding officer and determine the level of investigative involvement necessary. In the event of a fatality or serious bodily injury, TIU will be notified as soon as practicable and will take a primary role in the investigation.

- a. Responding officers should:
 1. Protect the scene.
 2. Employ proper investigative protocols to include securing the scene with crime scene tape in the case of serious bodily injury or fatality, leaving vehicles in their positions of rest, identifying and interviewing drivers, passengers and witnesses.
 3. Identify and protect any pre-collision tire marks, area of impact roadway evidence and post collision tire marks from contamination or destruction.
 4. Note the position of all injured bus passengers, including those removed by medical personnel, and determine which hospital each passenger was taken to.
 5. Create a General Occurrence (GO) report and a State of Colorado Accident Report, documenting the location of injured bus passengers.
- b. When TIU response is required, the TIU investigating officers will immediately coordinate with the on-scene incident commander to expedite the investigation. The duration of scene processing depends on the collision complexity, level of injuries, number of bus passengers, and the need for additional resources such as commercial motor vehicle inspectors.
- c. In the event of a major closure and significant resource commitment, the incident commander is responsible for completing an After Action Report (DPD 286).

(7) ACCIDENTS INVOLVING SNOWMOBILES:

- a. The operator or owner of any snowmobile involved in an accident resulting in death, injury or property damage is required to immediately (by quickest available means of communication) notify the law enforcement agency having jurisdiction (C.R.S. §33-14–115).
- b. The operator or owner of the snowmobile is further required to report the accident, within forty eight (48) hours, to the Denver Office of the Colorado Division of Parks and Outdoor Recreation on a report form furnished by the division. Officers will advise such owner or operator that they are required to report the accident to the division. Copies of the "Snowmobile Notice of Accident" report will be maintained in the Traffic Investigations Unit.
- c. In the event a police report is generated by members of the department (Motor Vehicle Accident Report or Non-Traffic Accident Report), a copy of the completed report will be sent to the commander of the Special Operations Division. That copy will then be forwarded to the Colorado Division of Parks and Outdoor Recreation.

(8) ACCIDENTS INVOLVING RAILWAY TRAINS OR RTD LIGHT RAIL.

Officers responding to accidents occurring on a railway or involving railway equipment such as crossing arms, switching boxes or signage will immediately confirm with the Denver 911 dispatcher that all trains approaching the incident location have been stopped. Officers coming upon such an incident will immediately notify the Denver 911 dispatcher to have all train traffic stopped on the associated track system. Officers will stay clear of all track systems and direct all involved persons to a location of safety, far enough away from tracks to avoid secondary impacts should a train be unable to stop.

- a. **Railway Operators in Denver:**

Different railway entities operate multiple tracks next to each other. All railway traffic must be stopped to ensure the safety of first responders and other persons. Officers will identify the specific railroad(s) or railway operator(s) as soon as possible and relay that information to Denver 911 dispatch. Every railway crossing has signs posted with the specific railroad / railway operator with emergency contact information. Additionally, all railway-track entities are clearly identified on the Denver GIS map available on the MDT. Four distinct entities operate railways in the City and County of Denver:

 - RTD Light-rail and Heavy Commuter-rail
 - Burlington Northern / Santa Fe (BNSF)
 - Union Pacific (UP)
 - Denver Rock Island Railroad (DRIR)
 - b. **Establishing a Rail Safety Zone:**

If officers / Denver 911 dispatch are unable to confirm that approaching railway traffic has been stopped:

 - Post officers two miles down the track in both directions.
 - Posted officers will position themselves to the side of the track system, clear of approaching trains.
 - Posted officers will assume a position near enough to the track system to be visible but not so close as to create a hazard. Never stand directly on any track where railway traffic is active.
 - If a train approaches, face the train and wave a flashlight or lighted highway flare in a pendulum fashion in front of the body from right to left. This is the universal railroad stop signal. Note: A freight train travelling 55 MPH can take over one mile to come to a complete stop.
 - Posted officers will notify other affected personnel whether approaching trains have been stopped or continue to present a hazard.
-

c. Clearing the Scene:

At the conclusion of a railway involved accident investigation, officers will:

- Ensure the railway entity has dispatched a track maintenance crew.
- Coordinate with the track maintenance crew and obtain the name of the responsible person before relinquishing custody of the scene.
- Document the responsible person's name in a statement and included in the GO report.
- Notify Denver 911 dispatch when clearing the scene and relay the responsible person's name and contact information.

d. Reporting

- Traffic accidents involving a train or a light rail train and a motor vehicle will be investigated and reported as a motor vehicle accident.
- Collisions involving a train or light rail train and a bicycle or pedestrian will be investigated and reported as a non-criminal/non-traffic accident. See OMS 203.10

(9) ACCIDENTS INVOLVING DRIVER LICENSE RESTRICTIONS:

See OMS 204.10 for accidents involving persons operating motor vehicles in violation of license restraints, such as driving under suspension, denial, revocation and/or cancellation.

(10) ACCIDENTS INVOLVING DRIVING UNDER THE INFLUENCE (DUI):

See OMS 204.02 regarding drivers under the influence of drugs and/or alcohol. NOTE: DUI cases require a Sobriety Examination Report (DPD 243) and a Miranda Advisement (DPD 369).

203.03 FATAL AND SERIOUS BODILY INJURY ACCIDENTS

(1) GENERAL GUIDELINES:

The investigation of a fatal accident follows the same procedure as an ordinary traffic accident. Great care should be exercised in preserving all physical evidence. The incident commander will summon sufficient resources to block roadways and secure the scene with crime scene tape to protect evidence from contamination. Once all life-saving activities have been concluded at the scene of a fatal or serious bodily injury accident, the incident commander will focus primarily on the preservation of evidence and the safety of all officers investigating the accident. Upon an officer's arrival at the scene of a fatal accident, or one in which confirmed serious injuries have occurred, the dispatcher will immediately be notified to contact the a Traffic Investigations Unit (TIU) investigating officer.

a. TIU personnel will contact the on-scene officer. Based upon the information obtained, the officer will be:

1. Instructed to investigate the accident, or
2. Requested to hold the scene until the victim's condition is evaluated at the hospital and confirmed as serious bodily injury, or
3. Requested to hold the scene. TIU personnel will respond to the scene and assume control of the accident.

b. The following are some of the criteria used by TIU personnel in determining when they will respond to a scene:

1. Fatality involved
2. Serious bodily injury (SBI) involved:

If the injured party was transported for "possible" head/internal injuries, TIU personnel may request the on-scene officer confirm SBI from hospital personnel before they respond to the scene. SBI includes:

- An injury with a substantial risk of death, or
 - A substantial risk of serious, permanent disfigurement, or
 - A substantial risk of protracted loss or impairment of the function of any body part or organ of the body, or
 - Severe lacerations, or
 - Fractured or broken bones/cartilage (to include any and all breaks, fracture(s) and/or hard tissue injury such as, bone, teeth or cartilage)
 - Distorted limbs, or
 - Internal injuries, or
 - Burns of the second or third degree
3. The victim is unconscious or unresponsive.
 4. The age of the victim.
 5. The medical history of the victim, if known
- c. The on-scene officer may be instructed, at the discretion of a TIU supervisor, to handle the investigation and reporting of a serious bodily injury accident under the following circumstances:
1. The collision involves only one moving vehicle, and
 2. The only seriously injured person is the operator of that vehicle, and
 3. No other persons were involved, and
 4. The injured person is not likely to die as a result of the collision (i.e. a single motorcycle rider hits a parked vehicle and breaks his/her ankle, wrist, finger, etc.)

(2) TIU IN CHARGE OF SCENE:

At the scene of a traffic accident involving death or serious injury, the TIU detective or ranking officer from the TIU is in complete charge of the investigation, regardless of the rank of officers present from other divisions or sections. The incident commander will retain responsibility for scene security and will provide necessary assistance to TIU personnel upon request.

- a. With any commercial motor vehicle (CMV) accident involving SBI or fatality occurring within the City and County of Denver, an on-duty DPD truck inspector assigned to the Highway/HazMat Unit at Traffic Operations, if available, will be called to the scene. At the direction of and in cooperation with TIU personnel, a safety inspection will be conducted on any CMV involved fatal or SBI accident. If no inspector is on-duty, TIU may determine that it is necessary to call one out through Denver 911.
- b. TIU personnel will notify and confer with the on call deputy district attorney upon arrival at the scene of any fatal accident where charges are likely. TIU personnel will inform the Denver District Attorney's Office of all other fatal accidents by email.

(3) WITNESS STATEMENTS:

All witnesses will be asked to provide a statement. Officers will positively identify all witnesses and request that they remain at the scene until TIU personnel arrive. Officers will direct witnesses to complete a handwritten statement. Upon arrival, detectives will triage all witness statements to determine which witnesses will be asked to make audio or video recorded statements. TIU personnel will coordinate with the incident commander to arrange for the transportation of any witnesses requiring video-recorded statements to the TIU office.

(4) MEDICAL EXAMINER AND TIU RESPONSIBILITIES - FATALITIES AND SERIOUS BODILY INJURY ACCIDENTS:

- a. If the victim has already been transported, the medical examiner will generally not respond to the scene of fatal vehicle accidents. In the absence of the medical examiner, responsibility for transport of any remaining body part or significant body tissue rests with the Traffic Investigations
-

Unit. The Traffic Investigations Unit will ensure that significant body matter is taken to the pathology lab where the victim was transported. This procedure will also apply to any serious bodily injury accident where a body part or significant body tissue remains at the scene.

- b. In cases where the medical examiner does respond to the scene, he or she is the immediate custodian of the body and personal property of deceased persons in the City and County of Denver. Officers will not search the body of a deceased person under any circumstances. The medical examiner will conduct such searches. The Denver Fire Department will be summoned to wash blood from the scene at the conclusion of the investigation.

(5) POST MORTEM EXAMINATIONS:

TIU personnel will attend the post mortem examination of all traffic fatalities where charges will be direct filed or where the case will be presented to the Denver District Attorney's Office for a filing decision.

(6) FATAL AND SBI TRAFFIC COLLISIONS RELATED TO POLICE ACTIONS:

The commanding officer of the TIU will be notified immediately of all fatal and SBI traffic collisions that are a result of police action. The TIU commanding officer will respond to the scene and assume command of the investigation. If a Denver police officer initiated the police action, the TIU commanding officer will coordinate investigative activities with the Internal Affairs Division and the Denver Office of the Independent Monitor.

(7) EVIDENCE:

TIU personnel will ensure the evidence on the scene of all fatal and SBI accidents they investigate is thoroughly documented with measurements, digital photographs and friction testing that may be needed for future collision reconstruction. They will coordinate with the incident commander for assistance with collection, transportation and booking of evidence.

(8) COORDINATING RESPONSE:

Upon arrival at the scene of all fatal accident cases where charges are likely, TIU personnel will contact and confer with the on-call deputy district attorney. Upon arrival at all fatal and SBI accident cases where the victim is a minor, TIU personnel will contact and confer with the Missing and Exploited Persons Unit.

(9) ACCIDENT REPORT CODING:

To comply with the required notification of the Victims Assistance Unit, TIU personnel will ensure the accident report indicates the appropriate offense code for all fatal and SBI accidents before their end of shift.

(10) TIU REPORTING RESPONSIBILITIES:

TIU personnel assigned to a fatal accident investigation will ensure that the following reports are completed and routed to the appropriate agencies:

- a. The State of Colorado Fatal Traffic Accident Supplemental report (DR 2447A), forwarded to the Colorado Department of Revenue upon completion of the investigation.
- b. The Colorado Department of Transportation Fatal Accident Early Notification Report (Blotter), forwarded to CDOT FARS, CSP and DOR within 24-hours of being notified of a fatality regardless of whether or not the deceased has been positively identified.

203.04 HIT AND RUN ACCIDENT INVESTIGATION

(1) GENERAL GUIDELINES:

- a. Victim at scene:
Officers will be dispatched to the scene of all hit and run collisions if the victim is present at that scene, whether the accident occurred on that date or not.
- b. Victim not at scene:

If a victim calls to report a hit and run accident after the date of occurrence and is no longer at the scene, dispatch will direct them to go to a district station or to police headquarters to report the collision. It is preferable to direct the victim to the district station in the district where the accident occurred.

c. Potential Solvability Factors:

1. Injury or death resulted from the accident
2. The suspect driver can be identified
3. Suspect vehicle information is obtained such as a full license plate number or a partial license plate in conjunction with a suspect vehicle description
4. Evidence remains at the scene that can help identify the suspect vehicle such as a significant vehicle part in conjunction with a full or partial license plate number
5. Clear video evidence is available that can identify the suspect or suspect vehicle
6. A witness is identified that can identify the suspect or suspect vehicle

d. Reporting requirements – station officers:

Officers working as station clerks will investigate and report all hit and run accidents reported to them by persons arriving at the station and will not direct them to return to the scene. At the discretion of the on-duty district commanding officer or command officer in charge of the Information Desk Unit, the clerk may summon an on-duty precinct officer to complete the report. If the reporting party has suspect information, or solvability factors are present, officers will complete a General Occurrence (GO) report to ensure the case is routed to the Traffic Investigations Unit for follow-up investigation. *If no suspect information or solvability factors are present and the complainant is not demanding a report, officers are generally not required to complete a GO report and may direct the victim to complete a counter or online report.*

Nothing in this policy precludes an officer from completing an Early Case Closure accident report as a customer service. **As a courtesy, officers will make an accident report in all instances where this procedure would place an undue hardship on the citizen or the citizen insists that the officer complete one.**

Officers conducting station investigations will:

1. Inspect and document the damage to the victim's vehicle, if present.
2. Obtain a written statement from the victim.
3. Generate a General Occurrence (GO) report, complete an accident report and traffic case summary when solvability factors are present. a. The accident will include a diagram depicting the most likely scenario of how the collision occurred.
4. Take custody of any physical evidence that may be given them and coordinate with the Traffic Investigations Unit to determine if the evidence will be placed into the Property Management Section.
5. Submit victim statement to the Records Unit for scanning along with any other paper documents.
6. If it is determined that the victim (reporting party) was the proximate cause (at-fault driver) of the collision, issue a citation for the accident causing violation and any other applicable charges (i.e. no proof of insurance, expired license, no operator's license, etc.).

e. Jurisdiction:

If the reporting officer can testify that the location of the accident was clearly in the City and County of Denver, then visiting the scene post-crash is unnecessary. If the collision occurred in an area where jurisdiction is uncertain, an officer should transport the victim to the scene in order to determine the exact location where the accident occurred.

(2) ON-SCENE INVESTIGATION:

- a. If possible, officers will immediately obtain and broadcast a description of the suspect vehicle and its occupant(s).
- b. Officers will interview witnesses, concentrating on those who can identify the driver and vehicle, and who can relate the facts of the accident.
- c. The scene will be examined for physical evidence.
- d. The neighborhood will be canvassed for additional witnesses.
- e. If a license plate number or vehicle description for the suspect vehicle is obtained, this information and the suspect vehicle listing should be documented on the Traffic Case Summary (available as an MRE template), but not on the accident report. In those cases where the driver has fled on foot and left the vehicle at the scene, the vehicle description will be completed in the appropriate spaces on the accident report.
- f. Officers will make every reasonable effort to locate the suspect vehicle.
- g. When the victim of a hit-and-run accident was responsible for causing the accident, the investigating officer will cite the at-fault driver, at the scene.

(3) SUSPECT VEHICLES:

Officers who observe or impound a vehicle which they suspect might have been involved in a hit-and-run accident will ascertain whether the vehicle is currently wanted or if it is associated with a General Occurrence in the RMS. If not wanted, a GO report titled, "Letter to Detective" describing the damage and any other pertinent information will be generated in the RMS with the vehicle being entered as an entity and the letter routed to the Traffic Investigations Unit.

(4) PROTECTION OF EVIDENCE:

Officers impounding vehicles for hit-and-run will write on the Impound/Recovered Vehicle Report (DPD 224), "Hold for TIU". In fatal and SBI hit-and-run cases, suspect vehicles will often be towed to an evidence cage. An officer is required to follow any suspect vehicle being towed to an evidence cage to maintain chain-of-custody. Upon securing the vehicle in an evidence cage, the officer will complete an entry in the evidence cage log.

(5) PROCESSING OF EVIDENCE:

- a. All evidence found at the scene of a hit-and-run accident will be properly marked and identified, then taken to the Property Management Section and processed according to the procedures established in OMS 106.03. Officers will contact an on-duty or on-call TIU personnel to coordinate the documentation/collecting of any large pieces of evidence that are not normally accepted by the Property Management Section. The fact that evidence was placed in the Property Management Section will be noted in the traffic case summary.
- b. In serious hit-and-run auto-pedestrian accidents, TIU will be notified. The victim's clothing will be retained and processed as evidence.

(6) ARREST OF VIOLATOR:

- a. When suspected hit-and-run drivers are apprehended, they will be taken to TIU office prior to being charged or jailed. If TIU is closed, officers will contact the on call detective via phone to determine how the suspect will be processed. If TIU is unavailable, and it is during TIU's normal operating hours, officers will contact on-duty TIU personnel via the radio or phone to determine how the suspect will be processed. Suspects who are transported to the TIU office will be placed in a holding cell. Prior to doing so, officers will completely search the suspect and place all personal property into the cabinet outside the holding cell. This includes belts, laced shoes, scarves, or anything that may be used by the prisoner to injure themselves or others. Officers will then enter the suspect's information and time of arrival in the holding cell log book located outside the holding cells. The detective will be notified of the suspect's location and demeanor.
-

- b. The accident report will be completed and include the identity of the suspect driver and suspect vehicle description prior to submission for approval. A traffic case summary with details of the investigation and arrest will be completed and submitted within the General Occurrence report.

(7) EARLY CASE CLOSURE – HIT-AND-RUN:

- a. The investigating officer will determine if there is sufficient information and evidence to file charges against an identifiable suspect. The investigating officer must first thoroughly check the accident scene and surrounding area, and contact neighbors for possible information. Investigative leads would include:
 - 1. A victim, or witness (present or not present), has a complete license plate number of the suspect vehicle, or
 - 2. A victim, or witness (present or not present), has a partial license plate number of the suspect vehicle and the make, style, and color of the suspect vehicle, or
 - 3. The suspect driver is known to the victim and/or to any witness, or
 - 4. When there are possible issues or leads that the reporting officer believes require further follow up investigation.
- b. If the investigating officer determines there is insufficient evidence forthcoming to file charges, the officer will inform the complainant that the report will be filed without further action, unless evidence becomes available at a later date. The officer will give the complainant a Citizen Notification Card (DPD 233A), instructing the complainant to contact TIU in the event the complainant obtains additional information.
- c. The officer will then complete an accident report, and after describing the accident, will write in the body of the report, "This report will be carried as closed unless additional information is obtained." All sections on both pages of the accident report must be completed. On the accident report, the officer will enter "ECC" in the agency code field. The officer will not fill out a traffic case summary. The officer will then close the case in RMS and will not route it to TIU.
- d. The report will be submitted in accordance with OMS 203.02.

(8) MEDINA ALERT AND MEDINA NOTIFICATION PROCEDURES:

- a. Medina Alert
 - 1. In 2014, the Medina Alert was signed into law in Colorado. It enables law enforcement agencies to have a hit-and-run suspect vehicle description broadcast on the Colorado Department of Transportation's variable message boards. The law has detailed and specific requirements for the posting of this information.
 - 2. TIU is solely authorized to issue and cancel a Medina Alert.
 - 3. A Medina Alert will be issued in all applicable cases, unless the alert would jeopardize the investigation or apprehension of the suspect.
 - 4. TIU personnel will only issue a Medina Alert if the following criteria are met:
 - A person killed or inflicted SBI upon a person during a motor vehicle accident and fled the scene, and
 - The complete license plate number of the suspect's vehicle is known, or
 - A partial license plate number along with the suspect vehicle's make, style and color is known, or
 - The identity of the suspect is known.
 - 5. TIU personnel will issue a Medina Alert as soon as possible by contacting Denver 911 via radio or phone, providing the known information and describing the location of probable damage on the suspect's vehicle.

6. If the suspect is apprehended or the suspect vehicle is recovered while the Media Alert is in effect, TIU personnel will contact Denver 911 via radio or phone and cancel the alert.
- b. Medina Notification
 1. A Medina Notification is a lower level alert used to report any suspect or suspect vehicle information to surrounding jurisdictions and the local media when the criteria for the Medina Alert are not met.
 2. TIU is solely authorized to issue and cancel a Medina Notification.
 3. TIU personnel will issue a Medina Notification only when a fatal or serious injury hit-and-run accident has occurred and limited information about the suspect's vehicle is known.
 4. A Medina Notification will be issued in all applicable cases unless the notification would jeopardize the investigation or apprehension of the suspect.
 5. TIU personnel will issue a Medina Notification as soon as possible by contacting Denver 911 via radio or phone, providing the known information and describing the location of probable damage on the suspect's vehicle.
 6. If the suspect is apprehended or the suspect vehicle is recovered while the Media Notification is in effect, TIU personnel will contact Denver 911 via radio or phone and cancel the alert.

203.05 FREEWAY ACCIDENTS

(1) GENERAL GUIDELINES:

Officers should respond to the scene as soon possible. If an assigned officer is not close, he/she may request the dispatcher send another car that may be in the vicinity.

Operating in excess of the maximum speed limit is not advisable when responding to property damage accidents, particularly when the road is not obstructed. Code 10 driving may be warranted for accidents involving injuries, but freeway traffic congestion may reduce its effectiveness.

(2) BASIC MANAGEMENT OF THE SCENE:

The initial function of a police officer at the scene is to determine injuries, effect rescue, and to efficiently summon assistance as needed (fire department, paramedics, tow trucks, etc.). Give concise instructions for the best route to reach the scene if possible.

- a. The most critical phase of accident investigation and response on the freeway is to minimize immediate hazards by the prompt removal of vehicles and other obstructions from the roadway.
- b. If an accident is relatively minor and movable, the officer should note the point of impact (POI), **if it can be accomplished safely**, and cause the involved vehicles and other obstructions to be removed from the traveled portion of the roadway to a safe area as soon as possible. If these actions are accomplished by an officer who is not completing the report, he/she will inform the officer with reporting responsibility.
- c. Officers may request a contract tow through the police dispatcher for any hazards on the freeway system.
- d. Officers will reference all accident locations on freeways in accordance with procedures outlined in the State of Colorado Investigating Officer's Traffic Accident Reporting Manual and the Versadex MDT reporting system.
- e. In the event of a fatality, a body should not be removed from an accident on the freeway until the medical examiner has given consent, except under circumstances outlined in OMS 203.03(4).

(3) ACCIDENT SPILLS AND DEBRIS:

In the event of a gasoline or other flammable liquid spill on the highway, officers will request the fire department to cover the spill with dirt to reduce the hazardous condition. Motor oil and fuel oil spills

should be sanded, as flushing with water will not remove this hazard. Officers will direct the dispatcher to request assistance from the Colorado Department of Transportation (CDOT) with road clean-up efforts for these types of spills. CDOT personnel can also provide consultation and assistance with large clean-ups of other non-hazardous materials from the highway system.

- If more debris is spilled on the freeway than normal city facilities can handle, assistance will be requested from the Colorado Department of Transportation. Specify the type and amount of equipment needed.

(4) TOW SERVICES:

Drivers of tow trucks, if their services are required, are responsible to promptly and satisfactorily clean the accident scene. Any tow operator who removes a wrecked vehicle from a freeway must clear all the debris.

(5) REPORT COMPLETION:

Completing an accident report on the freeway will be done only if the scene has been made safe from further accidents. Vehicles and drivers should be moved to a safe area before a report is completed.

(6) LANE CLOSURES:

Isolation of a lane of traffic or of the entire freeway should be resorted to only if immediate hazards warrant.

- a. Use extreme caution in slowing or stopping traffic.
- b. An accident scene must be contained as soon as possible, both for the benefit of those involved in the accident and for freeway users who may be approaching the scene.
- c. A police unit with all warning equipment on should be utilized at accident scenes, especially at night.
- d. Fuses in sufficient quantity should be utilized, particularly at night to alert approaching traffic of any hazard at the scene.
 1. Fuses should be employed, if possible, at a point well in advance of where traffic begins to form single lanes when approaching on accident scene.
 2. Highway cars usually carry a supply of fuses.

(7) ACCIDENTS INVOLVING COMMERCIAL MOTOR VEHICLES:

With accidents involving a commercial motor vehicle (CMV) occurring on the interstate system within Denver city limits, an on-duty DPD truck inspector assigned to the Traffic Operations Section Highway/Hazmat Unit, will be called to the scene (if available) to determine which level of inspection is appropriate, and will complete the required report (DPD 375).

203.06 COUNTER REPORTS

(1) GENERAL GUIDELINES:

A counter report is advisable if there has been a time delay in reporting.

- a. A counter report or online report may be made for any hit and run traffic accident where no solvability factors are present at the time of reporting.
- b. All officers and district station or Information Desk Unit clerks are to inform the citizen that NO further action will be undertaken when a counter or on-line report has been filed.
 - If a citizen files a counter report, or on-line report for a hit and run accident, then later discovers information that may lead to the identification of the hit and run driver, he/she should be advised to contact the Traffic Investigations Unit for a determination if an investigation will be initiated.
- c. These reports are to be identified by the words "Counter Report", with the date and time marked

in the lower right portion of the accident report. The precinct number of occurrence will also be entered in the proper box.

- d. Officers taking or assisting in completing counter reports will not sign the accident report form.
- e. All counter reports will be stamped with the date and time the report was made. When a citizen takes the report from the station to complete, the officer will stamp the report with the date and the time the report was given to the citizen. This procedure is necessary to assist in hit and run investigations.
- f. Counter reports are confidential and will not be released at a later date. Citizens should be advised to make a copy for their records when they make the report.

(2) ONLINE REPORTING:

Whenever a counter report for an automobile accident would be indicated or recommended it will be the policy of the police department to also offer the option of an online report. Online reports may be accessed at <http://www.denvergov.org/Police>. Counter reports or online reporting will not be considered a substitute when the operations manual mandates or recommends a police response. Online reporting is strictly an option and not an alternative for those situations where citizens prefer to appear in person to complete a counter report. Officers will not discourage citizens from appearing at a police facility to complete an accident counter report.

203.07 ACCIDENTS INVOLVING POLICE EQUIPMENT AND PERSONNEL

(1) GENERAL GUIDELINES:

When a vehicle assigned to the Denver Police Department is involved in a traffic accident, the report will be classified as a "Police Equipment" accident report.

- a. See OMS 112.01(7) regarding unintentional damage (to either vehicle) resulting from a police vehicle equipped with push bumpers, pushing another vehicle.
- b. A traffic accident report will be made if any damage or injury results from a collision involving a disabled vehicle being pushed by a police unit equipped with push bumpers and a person or other object.

(2) ALL ACCIDENTS INVOLVING POLICE EQUIPMENT WILL BE REPORTED AND INVESTIGATED:

- a. Officers involved in motor vehicle accidents while driving police equipment will remain at the scene or within close proximity until the arrival of investigating officers, unless exigent circumstances prevent compliance with this section. The vehicles involved in the accident will not be moved unless they present a safety hazard or there is an exigent reason.
- b. A supervisor will respond to the scene to ensure proper investigation procedures are followed and required notifications are made. The involved officer's supervisor will also respond, when practical.
- c. The commanding officer of the Traffic Investigations Unit (TIU) will be notified of ALL police equipment accidents. The State of Colorado Traffic Accident Report, form (DR2447), and all accompanying reports will be routed to the commanding officer of TIU. See section (6).
- d. District/division commanders (or their designee) will ensure that within three (3) business days of an accident involving a police vehicle, the vehicle is taken to the police garage for the completion of an inspection, outlining necessary repairs. This written repair/damage estimate including the estimated cost of repairs will be immediately forwarded by the police garage to the City and County of Denver's Risk Management Bureau for insurance purposes.

(3) ACCIDENT REPORTS INVOLVING POLICE EQUIPMENT WILL BE COMPLETE:

- a. Police equipment reports will contain vehicle unit numbers and license plate numbers.
- b. The officer's home address will be shown as the address of his/her assignment. Officer's home

phone numbers will not be shown on the report.

- c. The report will include the other driver's insurance company and policy number when available
- d. All police equipment accidents will have "DPD" entered in the agency code box on the accident report.

(4) PLACING CHARGES / FOLLOW-UP INVESTIGATION:

Traffic charges will be cited at the time of the initial investigation under the following circumstances:

- a. The other driver is obviously in violation of the law. Charges are subject to the approval of the officer in charge of the investigation.
- b. CS employees: See OMS 203.09(2)d.
- c. Sworn personnel: OMS 203.08

(5) FATAL OR SERIOUS BODILY INJURY ACCIDENTS:

TIU will ensure the Denver District Attorney's Office reviews all cases where an officer is involved in a fatal or serious bodily injury accident. Officers that are determined to be at fault in accidents involving serious bodily injury/death to any involved party, where the district attorney's office determines criminal charges are warranted, will be issued a summons or criminally processed for the appropriate violation in coordination with TIU and the Internal Affairs Division. At the conclusion of the investigation, the case will be processed through the Conduct Review Division. The criminal case will be in addition to any discipline administered through the point assessment scheduled discipline procedure. See OMS 203.08

(6) TRAFFIC INVESTIGATIONS UNIT RESPONSE PROTOCOL:

- a. The Traffic Investigations Unit will respond to all police equipment accidents when:
 - 1. Any person involved in the accident (and as a result of the collision):
 - Dies or suffers serious bodily injury.
 - Is transported via ambulance to a hospital for any degree of injury. *NOTE: A mere complaint of injury is not sufficient enough to elicit TIU response.*
 - 2. An involved police unit was being operated Code 10
 - 3. Requested by a supervisor or command officer
- b. The Traffic Investigations Unit will not respond to the following police equipment accidents unless criteria in section a. are met:
 - 1. Auto – Fixed objects
 - 2. One car accidents
 - 3. Unexplained minor damage
 - 4. Traffic accidents involving other city agency vehicles
 - 5. Accidents occurring during a driver training exercise (within the area designated as a driver training facility)
 - A non-Traffic Accident Report will prepared and injuries will be reported on a Work Injury Report (ADM – 4). These reports will be forwarded to the police garage. A Colorado Traffic Accident Report (DR 2447) will not be completed. Criteria for post accident testing in accordance with EO94 must be considered and testing completed if the criteria are met.
- c. Once on-scene, Traffic Investigations Unit personnel are in complete charge of the investigation, regardless of the rank of officers present from other divisions or districts. TIU personnel will advise the involved officer's supervisor that the initial investigation indicates the officer may be at fault or is not at fault in accordance with procedures for post accident testing.
- d. Traffic Investigations Unit personnel will process the scene in accordance with unit procedures, including measurements, photographs, statements, Serious Bodily Injury report (DPD 21), and

completing the appropriate sections of the Police Vehicle Accident Data Sheet (DPD 299).

(7) COMMAND OR SUPERVISORY RESPONSIBILITY:

Command or supervisory personnel have the following responsibilities when responding to a police vehicle accident:

- a. Determine if Traffic Investigations Unit response is required and make the appropriate notification. Supervisors will notify TIU when an airbag deploys in a police vehicle or when extenuating circumstances indicate photos and measurements should be taken.
- b. If TIU response is not required, supervisors or command officers will ensure completion of the following:
 1. Supervision of the accident investigation and approval of the accident report. Determine if the criteria for Post Accident Testing (EO94) exists and if so, process the officer in accordance with EO94. See OMS 503.01(16).
 2. Determination of appropriate charges in accordance with paragraph (4) of this section.
 3. The Police Vehicle Accident Data Sheet in RMS, including the EO94 criteria box.
 4. Photographs of the damaged vehicles and/or property.
 5. Statements from all drivers and witnesses.
 6. The General Occurrence (GO) report will be left open for routing to the Traffic Investigation Unit.
 7. Direct other involved persons (not at-fault) to file a claim with the city at <https://www.denvergov.org/content/denvergov/en/city-attorneys-office/file-a-claim.html>.

(8) TRAFFIC ACCIDENTS OCCURRING OUTSIDE DENVER INVOLVING ON-DUTY OFFICERS:

- a. On-duty officers involved in traffic accidents outside the city limits, will notify the local law enforcement agency and request an investigation be completed for the incident. In addition, officers will notify Denver 911 as soon as possible. This applies whether the vehicle is the property of the city, state, federal government, privately owned, rented or leased, provided that the vehicle is being used by the officer while on-duty in an official capacity.
- b. Discretionary authority to send Traffic Investigations Unit detectives to the scene of a police equipment accident outside the city limits lies with a supervisor or commanding officer of the Traffic Investigations Unit.
- c. Officers will report the accident to their supervisory or command officers as soon as possible. In the event Traffic Investigations Unit detectives did not respond to the accident scene, the supervisory or command officer will notify TIU of the accident.
- d. It will be the responsibility of the Traffic Investigations Unit detectives to request copies of all necessary reports from the law enforcement agency investigating the incident.

(9) ACCIDENTS OCCURRING IN DENVER INVOLVING OUTSIDE POLICE AGENCIES:

- a. When outside police agency vehicles and personnel are involved in traffic accidents while on **emergency runs** within the City and County of Denver, the Traffic Investigations Unit will be notified and respond for photographs and follow up investigation.

If a driver of a non police vehicle is obviously in violation of the law, charges will be placed at the scene, subject to approval of the Traffic Investigations Unit detective. In all other cases, the report will be presented to the Denver City Attorney's Office by the Traffic Investigations Unit detective for determination of appropriate charges.
 - b. When the outside police agency's vehicle was **NOT on an emergency run**, the investigation and report will be completed by responding uniformed officers. Traffic Investigations Unit detectives will not respond to the scene unless assistance is requested. If a driver of a non police vehicle is obviously in violation of the law, charges will be placed at the scene. All other reports will be
-

marked "INC" in the agency code box and routed to the Traffic Investigations Unit. Traffic Investigations Unit detectives will then present the reports to the Denver City Attorney's Office for determination of appropriate charges.

(10) OFF-DUTY DENVER POLICE OFFICER DRIVING A PRIVATE VEHICLE IN DENVER:

When an off-duty Denver Police officer, driving his/her private vehicle is involved in a traffic accident occurring within the city limits, and the State's minimum damage criteria is met, and at least one of the criteria in OMS 203.02(1) is present, the officer will notify Denver 911 and request that an on-duty officer be sent to the scene to investigate the accident. The investigating officer will also notify a supervisor who will respond to the scene and ensure a thorough investigation. If appropriate, charges will be placed against one or more involved drivers.

(11) FINANCIAL RESPONSIBILITY - INSURANCE:

The Colorado Division of Motor Vehicles (DMV) requires municipalities and other governmental entities to certify financial responsibility.

- a. Insurance coverage will be shown in the insurance information blocks on the Traffic Accident Report (DR2447). Enter: "A Government Vehicle, self insured municipality". This is a mandatory entry on all accident reports involving police equipment.
- b. In the event insurance information is omitted from the traffic accident report, the officer involved or their supervisor will be required to complete a DR2301.
 1. The State of Colorado Report of Motor Vehicle Accident (DR2301) is mostly self explanatory and requests much of the same information that is on the Traffic Accident Report (DR2447).
 2. In section #1, entitled: Your Information, complete all blocks in their entirety. The officer's assignment address is acceptable. In the block for the owner's name, enter: "City and County of Denver," 201 W Colfax, Dept 1010, Denver, Colorado, 80202.
 3. In the block below section #1, next to: self insured, enter: "City and County of Denver".
 4. In the Insurance section, complete the name of the policy holder as: "Government Vehicle owned by the City and County of Denver, a self insured municipality"
- c. Complete the other person's and/or the property owner information, whichever applies.
- d. Failure to comply with this section will generate a warning letter from the DMV to the officer listed on the accident report as the driver. This warning letter must not be ignored.
- e. If a warning letter is received, answer the questions asked and return the letter to the DMV. In response to the question concerning the insurance carrier, enter: "Government Vehicle owned by the City and County of Denver, a self-insured municipality" see C.R.S. §42-7-302. Disregard policy numbers and effective dates.
- f. Failure to comply with these reporting requirements may ultimately cause a suspension of the officer's driver's license.

(12) CRASH DATA RETRIEVAL TOOL (CDR):

Traffic Investigations Unit detectives will collect information stored in the sensing and diagnostic module (SDM) using the crash data retrieval tool (CDR) in equipped police vehicles when the accident involves any of the following:

- a. May have been the fault of the employee and the accident involves a fatality.
 - b. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident.
 - c. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or equipment; (Note: "disabling damage" for a vehicle accident is defined as precluding the departure of the vehicle from the scene of an accident in its usual
-

- manner).
- d. The investigating officer suspects the involved officer has violated any department policy related to driving or operating the police vehicle, including any suspected violation of traffic laws.
 - e. The airbag in the police vehicle was deployed.
 - f. A current list of CDR equipped vehicles will be maintained in the Traffic Investigations Unit. If the police equipment is on the list, detectives who are trained in the operation of CDR will respond to the scene and collect the stored information. If a trained detective is not available or it cannot be determined if the police vehicle is on the CDR list, the police vehicle will be towed to the car pound and the data will be recovered as soon as it is practical.
 - g. In order to prevent unnecessary inconvenience to citizens, any non-police vehicle involved will be subject to CDR download only when the criteria of (12) a, b, or c of this section are met. If the investigating officer determines that the citizen is at fault under those same conditions, the vehicle will be impounded and a warrant will be secured.
 - h. In order to best preserve information that is written to the SDM, certain procedures must be followed.
 1. The vehicle ignition switch will be turned to the off position before it is loaded onto a tow truck, which will prevent contamination of the preserved information. This step will be completed just prior to towing. Do not alter the condition of the ignition switch until after investigating officers have inspected the vehicle. In cases where the vehicle is drivable, do not allow the tow driver to start or drive the vehicle to facilitate the tow. The ignition key should accompany the vehicle to the car pound.
 2. Factory certified investigating officers will download the information from the SDM and complete a written report of their findings. This report will be included with the case information that is forwarded to the commanding officer of the Traffic Investigations Unit.

203.08 ACCIDENT REVIEW / PURSUIT REVIEW

(1) GENERAL GUIDELINES:

All police vehicle accidents, pursuits, and incidents of eluding will be reviewed by the Conduct Review Division according to the procedures established in this section.

(2) ACCIDENT REVIEW PROCEDURES:

- a. Responsibilities of the Traffic Investigations Unit commanding officer (TIU):
 1. Compile a case file containing all reports, statements and other documents relating to the accident, including Police Vehicle Data Sheet (DPD299), and Post Accident Drug and Alcohol Testing (DPD 667), if EO94 criteria box is checked "yes" on data sheet. If a review of the Accident Data Sheet (DPD 299), indicates the criteria for post accident testing may have existed, but no test was completed, the accident review will include the request for EO94 procedures.
 2. Maintain a case numbering and database record system for police fleet accidents. Review the database quarterly and prepare a quarterly report for the Chief of Police to include; accident violations, accident patterns, suggestions for training and other information as requested.
 3. Ensure that all documents, statements and reports are identified with the case number assigned to that accident.

4. Transmit a copy of the complete case file to the Conduct Review Division.
 5. Maintain a filing system for the original accident case file.
 6. Maintain a case tracking system utilizing the accident case number.
 7. Maintain the officer's driver history file and update officer's driving record.
 8. Upon receipt of a case, TIU will log the case in and send the case to the Conduct Review Division for review and appropriate action. The case file will include a copy of the officer's driver history record.
 9. TIU personnel will monitor the progress of each accident case and ensure its timely completion. This will include entering the final court adjudication on the officer's driving history of any citation issued.
- b. Responsibilities of the Internal Affairs Division Commander (IAD):
1. IAD will process EO94 cases in accordance with standard IAD complaint procedures.
 2. Based on recommendations from the Conduct Review Division and a Chief's Order, IAD personnel will schedule officers for remedial driver training in the next available class administered by the police academy (accounting for vacations, injuries, etc.).
 3. IAD will immediately notify the police academy of the remedial driving course date that an officer is assigned.
- c. Police Academy Responsibilities:
1. Create a class for remedial driving, scheduled every other month. Scheduled officers will sign the roster when they attend. In-service training credit will be earned, and remedial driving training will apply to annual mandatory training. If an officer fails to attend, police academy personnel will notify IAD.
 - Remedial driving training (defensive driving course or an emergency driving and maneuvering course) is generally provided by police academy personnel, though in rare instances an outside entity may be contracted to provide designated instruction.
 2. After the training is complete, send a letter to IAD indicating that the training was completed. If an officer fails to appear on the scheduled date of training, IAD will be notified. If an officer fails to respond to training, the commanding officer (or designee) of the police academy will notify the Internal Affairs Division.
 3. Maintain training records of remedial driving classes indicating who provided the training and what the training consisted of.
- d. Responsibilities of the Conduct Review Division:
1. The Conduct Review Division will, after thoroughly reviewing a case file, classify the accident as preventable or not preventable.
 - Preventable: Accident was principally caused by driving actions in violation of traffic laws and/or department policy or contributed to by poor defensive driving practices.
 - Non-preventable: Unavoidable accident, proper defensive techniques were practiced.
 2. Non-Preventable:

If an accident has been found to be non preventable, the Conduct Review Division will forward the completed Police Vehicle Data Sheet (DPD 299) to the involved officer, the officer's commander and the Traffic Investigations Unit.
 3. Preventable:

If an accident is found to be preventable, the Conduct Review Division will take into consideration the severity of the accident (severity of injuries and damage) when assessing preventable points. The Conduct Review Division will then determine the primary cause of
-

the accident. When review of an accident is complete, the Conduct Review Division will report its findings on the Police Vehicle Accident Data Sheet (DPD 299).

4. Accident Classification:

- Non Preventable – 0 points
- Preventable – 0 to 5 points, in addition to any points assessed for the primary cause, taking into consideration mitigating and/or aggravating circumstances surrounding the accident. There will be no preventable points assessed if an officer received a citation for the accident. Only primary cause points will be assessed.

EXAMPLE:

Reckless Driving - 8 points Careless Driving - 4 points Unlawful Backing, etc. - 2 points

5. Primary Cause:

- Violation of department emergency driving policy - 6 points. See OMS 112.02
- Traffic violations will be assessed the number of points consistent with the penalty point schedule in state statute and used by the Colorado State Motor Vehicle Division to assess points against a driving record.

6. Disciplinary Process - Preventable:

- Proceed in accordance with provisions contained in OMS 503.01, except those which by their very nature may have no application.
- Apply the points assigned in the current accident case to points accumulated (if any) by the officer over the previous two-year period (24 months).
- Determine discipline outcome based on accident point classification:
 - 1-4 points: Oral reprimand*
 - 5-9 points: Written reprimand*
 - 10-15 points: A fine of one (1) to five (5) days*
 - 16-20 points: Suspension from three (3) to ten (10) days without pay and remedial driver's training*
 - 21 or more points: Suspension for a minimum of five days without pay or more stringent action as appropriate and remedial driving training*
- Assign an IAD case number.
- Process the accident in accordance with standard IAD complaint procedures.
- Send a copy of the completed Police Vehicle Data Sheet (DPD 299) to the Traffic Investigations Unit to update the police fleet accident data file.

7. Officers, who have been involved in two (2) or more preventable accidents within the previous two-year period (24 months), will be required to attend remedial driving training. However, the Conduct Review Division or the officer's commander may, at any time, recommend remedial driver's training in addition to any other disciplinary recommendation prescribed.

8. Accidents involving career service employees will be reviewed in the same manner as civil service employees. Accidents found to be preventable will be processed according to Denver Career Service rules and regulations.

(3) PURSUIT / ELUDING REVIEW PROCEDURES:

- a. All pursuits and eluding incidents will be subject to a review process conducted by the Conduct Review Division.

- b. The process will be initiated when the pursuit manager completes a Vehicular Pursuit Report (DPD 453), or the officer completes an Eluding, No Pursuit Report. The original copy of either report, any pertinent statements, and copies of any other related reports will be routed to the commanding officer of the Traffic Investigations Unit.
- c. Responsibilities of the Traffic Investigations Unit (TIU) commanding officer:
 - 1. Compile a case file that will include a copy of radio recordings for all pursuits. A copy of the case file will be forwarded to the Conduct Review Division.
 - 2. Assign a sequential pursuit case number to each case and track all appropriate statistics concerning police pursuits.
 - 3. All original documents will be maintained by TIU.
- d. Responsibilities of the Conduct Review Division:
 - 1. Review the pursuit or eluding case file documents including the tape recorded radio transmission of the pursuit.
 - 2. At the completion of the Conduct Review Division review, the report will conclude with classification into one of the following:
 - IN POLICY - The pursuit was conducted in compliance with department policies and procedures.
 - POTENTIAL VIOLATION FOUND - A possible violation of department policy or procedure has been detected by the division/district commander.
- e. Cases that are found to be IN POLICY by the Conduct Review Division will be returned to the Traffic Investigations Unit, where the case will be closed out.
- f. In cases where the Conduct Review Division finds a POTENTIAL VIOLATION, the following procedures will apply:
 - 1. The Conduct Review Division will contact the Internal Affairs Division so the IAD can assign an IAD complaint log number to the case.
 - 2. In cases where the information in the case file is complete, the Conduct Review Division will process the case per standard procedure and make a finding.
 - 3. In cases where further investigation is necessary, the file will be forwarded to the Internal Affairs Division to allow such investigation to be conducted.
 - 4. At the conclusion of the investigation, the IAD will return the case to the Conduct Review Division and findings will be determined.

(4) CHIEF OF POLICE / EXECUTIVE DIRECTOR OF SAFETY AUTHORITY:

The Chief of Police has departmental authority and responsibility for initiating disciplinary and corrective action exceeding a written reprimand; subject to review, approval, or revision by the Executive Director of Safety. See Sections 9.4.14 and 9.4.15 of the Denver City Charter.

203.09 ACCIDENTS INVOLVING FIRE EQUIPMENT, AMBULANCES AND OTHER CITY VEHICLES

(1) LIMITATIONS ON TIU RESPONSE:

Traffic Investigations Unit detectives will not respond to minor injury or property damage only accidents involving Denver Fire Department equipment, Denver Health Medical Center ambulances, Denver parking control vehicles, Denver Sheriff Department vehicles, district attorney vehicles, Denver County Court Marshal vehicles, or Denver Public Works vehicles involved in snow removal, street maintenance or signal light repair, unless requested by a supervisory officer at the scene. Traffic Investigations Unit detectives will respond and assist the investigating officer with measurements and photographs, if necessary, and will only assume responsibility for the investigation if it is determined to meet the criteria specified in OMS 203.03(1).

(2) DENVER OWNED VEHICLES:

Accidents involving city owned vehicles will be handled in accordance with OMS 203.00, subject to the following conditions:

- a. If a driver of a privately owned vehicle is involved in an accident with a city owned vehicle and is at fault, appropriate charges will be placed by the investigating officer at the time of the report.
- b. Traffic Investigations Unit detectives will respond to all accidents involving any Denver Fire Department vehicle, Denver Health Medical Center ambulance, or any private ambulance, or Denver Public Schools Department of Safety vehicle, **using emergency equipment**, except in the following situations:
 - Auto-Fixed Objects.
 - One-car Accidents.
 - Unexplained minor damage.
- c. If a **Denver fire fighter** operating a Denver Fire Department vehicle is involved in a minor injury or property damage only accident (including damage to another vehicle), and the firefighter is at fault or is the cause of the accident, an accident report will be made. The investigating officer will enter 04 in the Agency Code box and enter "Charges Pending" in the "Primary Violation" box. The investigating officer is not required to complete a Traffic Case Summary in this instance but will indicate in the narrative section that the accident involved a Denver Fire Department vehicle. The report will be submitted in the RMS for approval.
- d. In all cases when the **driver of any other city owned vehicle** is at fault or is the cause of an accident, the investigating officer will enter 06 in the Agency Code box, and will enter "Charges Pending" in the "Primary Violation" box. The investigating officer is not required to complete a Traffic Case Summary in this instance. The report will be submitted in the RMS for approval. Traffic Investigations Unit detectives will present the case to the city attorney's office for determination of appropriate charges.
- e. When any city owned vehicle is identified as the suspect vehicle in a hit and run accident, the reporting officer will notify TIU immediately. The commanding officer of the Traffic Investigations Unit or his designee will determine if detectives will respond to assist with the investigation. In all instances where Traffic Investigations Unit detectives do not respond, the completed accident report and traffic case summary will be routed to TIU for processing.
 - When the suspect vehicle belongs to the Denver Police Department, the commanding officer of the Traffic Investigations Unit (or designee) will notify IAD as soon as practical.
- f. Also see OMS 203.02(1)

203.10 NON-TRAFFIC FATAL AND SERIOUS BODILY INJURY ACCIDENTS

(1) TRAFFIC INVESTIGATION UNIT RESPONSIBILITIES:

The Traffic Investigations Unit is responsible for investigating all fatal and serious bodily injury non criminal and non traffic accidents resulting from the movement of any wheeled device, not considered a motor vehicle, designed for the transport or movement of persons or property, occurring on or off the roadway.

(2) INCIDENT AND VEHICLE TYPES:

This procedure relates primarily to any railway accident, construction/workplace accidents (indoors or outdoors) and single bicycle accidents (on or off the roadway). This procedure generally does not apply to accidents resulting from skateboards, rollerblades, toy cars, etc. An example of a wheeled device includes, but is not limited to:

- Trains, heavy commuter rail, light commuter rail and trolleys

- Bicycles, low-powered scooters, Segways and golf-carts
- Construction vehicles, forklifts and farm tractors
- Animal-drawn carriages

(3) INVESTIGATIVE PROCEDURES AND COORDINATION WITH OSHA:

Officers and TIU personnel investigating non-traffic fatal or serious bodily injury accidents fitting the above criteria will follow the procedures established in OMS 203.03.

- TIU personnel will notify the United States Department of Labor Occupational Safety and Health Administration (OSHA) of all non-traffic accidents that occur in a construction zone or are related to the workplace. TIU personnel will coordinate with OSHA when conducting parallel investigations, or will supply OSHA with all investigative documentation.
-

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



204.00 POLICE PURSUITS

REVISED: 04/23/2019

PAGE: 1 OF 13

204.01 VEHICLE PURSUITS

(1) POLICY:

- a. The policy of the Denver Police Department is to balance the need for immediate apprehension of a suspect with the need to protect the public from danger caused by the pursuit. All officers are reminded that their basic responsibility is to protect the public. When the danger of a pursuit exceeds the value of an immediate apprehension, public safety will be paramount.
- b. A police vehicle pursuit may be engaged when an officer has probable cause to believe that a crime, as described by Colorado Revised Statutes, has been committed and has reasonable suspicion to believe the person being pursued committed that crime.
- c. Justification for engaging in a police vehicle pursuit must be limited to the facts known by the officer at the time a decision is made to engage in such pursuit. Information not established as fact at the time the pursuit is engaged, no matter how compelling, cannot be considered later, in determining whether the pursuit was justified. Officers are authorized to engage in police vehicle pursuits only in the following circumstances:

1. **Compelling need:**

When a suspect's actions while operating a motor vehicle, prior to an attempt to stop him or her, involve such flagrant and dangerous behavior as to create a compelling need to attempt to stop the violator.

- a. A compelling need is established when facts or circumstances are clear and convincing that a suspect's actions are so dangerous that they present an imminent threat of serious bodily injury or death.
- b. A compelling need does not include the following:
 - The mere act of fleeing, no matter how recklessly.
 - Traffic infractions and licensing violations.
 - DUI, careless driving, and hit & run not resulting in serious bodily injury or death.
 - Property crimes including auto theft and joyriding
 - Attempted vehicular assault
 - Any crime that does not meet the conditions of section 2. below

2. **Felony involving use, or threatened use of a deadly weapon, or a violent felony against a person:**

To effect the arrest or to prevent the escape of a person whom the officer reasonably believes has committed or is committing a felony involving the use, or threatened use of a deadly weapon, or a violent felony against a person.

Prohibited pursuits:

- a. Officers are prohibited from engaging in police vehicle pursuits in the following circumstances:
 1. When the pursuit is in a direction opposite to the flow of traffic on a divided roadway, unless authorized by the managing supervisor or a superior officer.
 2. When a passenger in the police vehicle is not an officer or academy
-

- recruit, unless a signed waiver of liability (Authorization to Ride in Denver Police Car – DPD 8) has been completed before the ride along.
 3. When the police vehicle contains an arrestee or other citizen not covered under the above paragraph.
 4. When the officer is not the primary or secondary pursuit vehicle, unless authorized by the managing pursuit supervisor or a superior officer.
 5. In violation of any other provisions of this policy and procedure.
- d. These policies and procedures apply to all Denver police officers, including those assigned to multi-jurisdictional task forces and other law enforcement agencies, whether they are inside or outside the City and County of Denver.

(2) **DEFINITIONS:**

Boxing In: Surrounding a violator's moving vehicle with moving pursuit vehicles, which are then slowed to stop along with the violator's vehicle.

Code 9: The response to a call for service or incident without using emergency lights and siren. The violation of any traffic laws during Code 9 driving is not authorized.

Deflation Device: Used to deflate the tires of a vehicle being driven by a suspect who is attempting to elude law enforcement authorities.

Emergency Operation (Code 10): The act of driving a marked or unmarked police vehicle with the emergency lights and siren in operation while in pursuit of a suspect in accordance with the Colorado Uniform Motor Vehicle Law or applicable municipal ordinance.

Forced-Stop Methods: The methods and tactics used to physically terminate a pursuit, including boxing in, heading off, ramming, P.I.T. Maneuver, deflation device, and roadblocks.

Heading Off: An attempt to terminate a pursuit by pulling ahead, alongside, and towards a violator's moving vehicle to force it to the side of the road or to come to a stop. This does not involve contact between the vehicles.

Managing Supervisor: The police supervisor (or higher-ranking officer) who manages a pursuit by providing direction and control via police radio. Managing supervisors are empowered to terminate or cancel a pursuit and specify the tactics to be used. The managing supervisor cannot be the primary or secondary vehicle in a pursuit. The managing supervisor has the authority to cancel a pursuit regardless of the rank of the involved officer(s).

Marked Unit: A fully marked (standard) patrol car with operable lights and siren. A marked unit is the most suitable vehicle to conduct a pursuit.

Originating Jurisdiction: The jurisdiction in which a pursuit originates.

P.I.T. Maneuver: Intentional contact between the front quarter panel of a moving police vehicle and the rear quarter panel of a moving suspect vehicle. The intention is to cause a suspect vehicle to spin away from its forward direction, thus terminating a pursuit.

Potentially Deadly Force: In terms of police vehicle pursuits, means force that the natural and probable consequence of which is death or serious bodily injury.

Primary Vehicle: The police vehicle driven by the officer initiating a pursuit or another police vehicle that takes the lead vehicle position.

Probable Cause - Arrest by a Peace Officer: [CRS §16-3-102] "A police officer may arrest a person when:

- a. He has a warrant commanding that such person be arrested; or
- b. Any crime has been or is being committed by such person in his presence; or
- c. He has probable cause to believe that an offense was committed and has probable cause to believe that the offense was committed by the person to be arrested."

Pursuit: An active attempt by an officer operating a police vehicle (lights and siren = Code 10) to apprehend the operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction, and either increases the vehicle's speed, extinguishes the vehicle's lights, or makes some other overt action designed to avoid apprehension. Following a vehicle, whether accomplished with or without emergency lights on and siren sounding, whose driver is attempting to elude, either by increasing the vehicle's speed, or making some other overt action designed to avoid apprehension will also be considered a pursuit.

Ramming: The deliberate act of impacting a suspect's vehicle with another vehicle to attempt to force the suspect's vehicle to stop.

Reasonable Suspicion: [CRS §16-3-103 (1)] "A peace officer may stop any person who he reasonably suspects is committing, has committed, or is about to commit a crime and may require him to give his name and address, identification if available, and an explanation of his actions.... The stopping shall not constitute an arrest."

Roadblock: A restriction or obstruction used to affect the apprehension of a violator by preventing the free passage of motor vehicles.

Secondary Vehicle: A police vehicle which becomes involved in a pursuit immediately following the primary vehicle and acting as the primary vehicle's backup.

Serious Bodily Injury: [CRS §18-1-901] Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

StarChase System: A compressed-air launcher mounted to the grill of a department vehicle that deploys a GPS monitoring device that adheres to a suspect vehicle with an industrial-strength adhesive compound. See OMS 119.07 for system requirements, including the deployment, monitoring, reporting and safety considerations.

Supervisor: A Denver Police officer of the rank of sergeant, or in the absence of a sergeant or higher-ranking officer, the highest-ranking officer available.

Terminate a Pursuit: Immediately reduce speed to the legal speed limit and comply with all applicable traffic laws. Turn off all emergency equipment. Officers will not continue to follow the suspect vehicle, nor may they violate any traffic laws or regulations to catch up to, or parallel the suspect vehicle, unless authorized by the managing supervisor. Officers will make every effort to present an appearance to the suspect(s) that the police are no longer pursuing or following.

Unmarked or Special Purpose Vehicle: An unmarked vehicle equipped with emergency lights and siren, or special purpose vehicles (e.g., motorcycles, etc.) will relinquish the primary position in a pursuit when a standard fully marked and equipped patrol car is in a position to become the primary unit. An exception may be made if the special purpose vehicle is the safest unit for the pursuit or when authorized by a supervisor.

Vehicular Eluding (Misdemeanor): [CRS §42-4-1413] Any operator of a motor vehicle who the officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a class 2 misdemeanor traffic offense.

Vehicular Eluding (Felony): [CRS §18-9-116.5] Any person who, while operating a motor vehicle, knowingly eludes or attempts to elude a peace officer also operating a motor vehicle, and who knows or reasonably should know that he or she is being pursued by said peace officer, and who operates his or her vehicle in a reckless manner, commits vehicular eluding. Vehicular eluding is a class 5 felony; except

that vehicular eluding that results in bodily injury to another person is a class 4 felony and vehicular eluding that results in death to another person is a class 3 felony.

(3) PROCEDURES:

- a. Initiating Officer: The following factors will be considered before initiating a vehicle pursuit:
 1. Denver Police Department policy;
 2. Degree of risk created by pursuit;
 3. Seriousness of the suspected crime;
 4. Whether the identity of the violator is known to the point that later apprehension is possible;
 5. Volume, type, speed, direction of vehicular traffic, and direction of pursuit;
 6. Nature of the area (i.e., residential, commercial, school zone, open highway, etc.);
 7. Population density and volume of pedestrian traffic;
 8. Environmental factors such as weather and time of day;
 9. Road conditions (i.e., ice, construction, poor repair, etc.).
 - b. Officers will turn on their body worn camera immediately upon active involvement in a pursuit, or if not actively involved, when assisting at its point of termination, perimeters, foot searches, and physical apprehensions.
 - c. Complying with orders:
 1. All officers will obey the orders of supervisors and the dispatcher. If the dispatcher, managing supervisor, or any superior officer orders the termination of a pursuit, all officers directly or indirectly involved will immediately stop all attempts to pursue. The managing supervisor or superior officer will have the final authority in managing a pursuit. Dispatchers are not authorized to counter the orders or directions of the managing supervisor or superior officer.
 2. When ordered to terminate a pursuit, unless directed otherwise by the managing supervisor or superior officer, all involved officers will turn off their emergency equipment and proceed to a location designated by the managing supervisor or superior officer. Officers will not continue to follow the suspect vehicle. Failure to comply with this section will be deemed a violation of the pursuit policy.
 - d. Police vehicle operation - primary and secondary vehicles:
 1. Vehicles not equipped with operable lights AND siren will not become involved in vehicle pursuits.
 2. Emergency lights AND siren will be activated and will remain activated during a pursuit. This applies only to the primary and secondary vehicles, or other units authorized by the managing supervisor or superior officer.
 3. Officers initiating a pursuit will immediately notify the dispatcher of their location, reason for the pursuit, direction of travel, estimated speed of the suspect, and any other relevant actions by the suspect vehicle. Officers will also provide the license plate number, vehicle description, number of occupants, traffic conditions, and any other pertinent information. All radio transmissions will begin with the officer's car number.
 4. When possible, officers intending to stop a vehicle will attempt to be as close as practical to the suspect's vehicle before activating emergency equipment and attempting the stop. The suspect's temptation to flee may be greater in those instances where it appears they have a head start. Before attempting a vehicle stop when a driver is likely to flee (e.g., known stolen cars or wanted subjects) the primary unit will attempt to avoid a pursuit by coordinating the response of assisting officers. For example, an apprehension at a
-

- stoplight or other preplanned location may be an appropriate tactic.
5. The primary vehicle is the lead police unit. The secondary vehicle's function is to assist the primary vehicle during the pursuit and at the point of termination. The secondary vehicle will be prepared to assume the role of the primary vehicle if needed.
 6. An unmarked or special purpose vehicle will relinquish its position if a standard fully marked unit is in place to assume the primary or secondary position.
 7. An initiating unit that relinquishes the primary position to another vehicle may become the secondary vehicle.
 8. Any unit that is no longer the primary or secondary vehicle will discontinue pursuit and Code 10 driving unless directed by a supervisor or articulable immediate emergency assistance is needed.
 9. The secondary vehicle will not overtake the primary vehicle unless specifically requested to do so and will drive single file behind the primary vehicle, maintaining a safe distance, sufficient to avoid colliding with or interfering with the primary vehicle. The secondary vehicle may block an adjoining lane to prevent interference with the pursuit by other vehicle(s) traveling in the same direction.
 10. The secondary vehicle may broadcast the pursuit if requested by the primary vehicle or if ordered by the dispatcher, managing supervisor, or superior officer.
 11. Officers will give updated information concerning direction of travel, speed, unusual actions, etc. Radio transmissions will be kept as short as possible, allowing the dispatcher, supervisory personnel, and assisting units to air information.
 12. If not already involved as a primary or secondary vehicle, a patrol vehicle equipped with StarChase is authorized to join a pursuit for potential use of this device only when approved by the managing supervisor. Unless directed otherwise, the StarChase equipped vehicle will join the pursuit as the secondary vehicle and will only assume the primary position once cleared and authorized by the primary vehicle. The StarChase equipped vehicle will continually assess the safety considerations of this device and will not unnecessarily assume the primary position if not intending to deploy this device. The StarChase equipped vehicle will adhere to the StarChase Vehicle Pursuit Management System policy (OMS 119.07) prior to the deployment.
 13. The decision to pursue is not irreversible. Based on the facts known at the time, officers will continually evaluate whether the risk of danger to officers and the public resulting from a continuation of the pursuit is greater than the risk of injury to any person that may result from the successful escape of a suspect.
 14. The primary vehicle may cancel their own pursuit and other officers, including the secondary unit, may not continue or reinitiate the pursuit without the authorization of the managing supervisor or superior officer.
 15. Should the pursuit cross district boundaries, any officer, supervisor, or command officer with relevant information will notify the dispatcher of any special conditions or hazards along the projected route.
 16. Should a pursuit cross the Denver City and County boundary, only the primary and secondary vehicles (along with any other units authorized by the managing supervisor / command officer) are authorized to continue actively participating in the vehicle pursuit. The managing supervisor may assign additional cover units (responding Code 9) depending upon the severity of the offense, number of occupants, the likelihood of armed suspects, or other relevant factors and those units may continue to serve this function outside the City and County of Denver.
 17. If a reserve officer is involved in a pursuit, he/she will immediately relinquish his/her role
-

as the primary vehicle and assume the role of the secondary vehicle (assuming there was none) or relinquish their participation entirely as soon as another vehicle operated by a full-time Denver Police officer is available.

e. Covering officers:

1. All officers in the path of a pursuit will remain alert to its progress and location and will actively assist with traffic control along the route of the pursuit to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, foot pursuit, etc.
2. Unless otherwise authorized by the managing supervisor or a superior officer, covering officers will respond Code 9. Covering officers are not authorized to violate any traffic laws or regulations to catch up to or parallel a pursuit unless ordered to do so by the managing supervisor or superior officer at the time of the pursuit.

f. Dispatcher's Responsibilities:

1. Immediately upon being notified of a pursuit, the dispatcher will clear the channel by activating the alert tone, obtain the necessary information from the pursuing officer, and attempt to contact the supervisor of the involved officer.
2. If the officer's supervisor cannot be contacted, the dispatcher will attempt to contact any supervisor from the district in which the pursuit is occurring. Once contacted, this supervisor or command officer will be the managing supervisor for the duration of the pursuit unless relieved by a superior officer.
3. For the purposes of this section, any Denver 911 dispatcher will be considered a supervisor and will cancel a pursuit if a sworn police supervisor or command officer cannot be contacted within thirty (30) seconds. Dispatchers may not countermand the orders of a sworn police supervisor or command officer.
4. The dispatcher will immediately determine if air support is readily available, dispatch it to the scene, and notify the managing supervisor of the availability of air support.
5. Dispatchers will immediately request a clearance and listing of the suspect vehicle license number and advise the managing supervisor when the information is available.
6. When it appears that a pursuit is approaching another district or jurisdiction, the dispatcher will establish radio communications with that district or jurisdiction.
7. The dispatcher will keep the radio channel clear, allowing transmissions only from the primary or secondary units, the managing supervisor or superior officers, and officers responding to their orders and directions. The dispatcher will continue to monitor the pursuit and relay information when requested. To keep the air clear, dispatchers will not repeat the pursuing unit's radio transmissions unless they are unclear.
8. Radio transmissions by other units are prohibited unless of an emergency nature. Upon the termination or discontinuance of a pursuit, the dispatcher will sound the alert tone and advise all officers and jurisdictions involved.
9. If an accident occurs as a direct or indirect result of a pursuit, an officer will be assigned to make a report and the Traffic Investigations Unit will be notified. Denver 911 personnel will make all necessary notifications.
10. If an accident involving death or injury, or may result in death, occurs as a direct or indirect result of a pursuit, the commanding officer of the Traffic Investigations Unit (or designee) will be notified to respond. The commander of any involved officers will also be notified.

g. Supervisor Responsibilities:

1. Once contact is made with the officer's supervisor, or another supervisor (or a command officer in the absence of a supervisor), that person will be the managing supervisor for the
-

- duration of the pursuit (unless relieved or overruled by a superior officer).
2. The decision to pursue is not irreversible. Based on the facts known at the time, the managing supervisor will continually evaluate whether the risk of danger to the officers and the public resulting from the continuation of the pursuit is greater than the risk of injury to any person that may result from the successful escape of the suspect.
 3. The managing supervisor has the authority and responsibility to:
 - a. Ascertain the reason for the pursuit and the surrounding conditions from the involved officer(s) and the dispatcher.
 - b. Authorize or cancel the pursuit based on all available information and the provisions of the Denver Police Department policy.
 - c. Continually assess the risks and hazards involved in allowing the pursuit to continue and decide to allow the pursuit to continue or order it terminated.
 - d. Move in the direction of the pursuit and actively monitor its progress.
 - e. Control the tactics used in the pursuit including all forced stop methods described in this policy. The managing supervisor and the pursuing officers must assess the risk involved in applying forced stop methods to the specific pursuit in progress, knowing that such termination may meet the criteria of the use of potentially deadly force.
 - f. Nothing in this section precludes the managing supervisor or a superior officer from canceling the pursuit at any time. Involved officer(s) may also cancel their own pursuit and other officers (including the secondary unit) may not continue or reengage the pursuit without the authorization of the managing supervisor or superior officer.
 4. The managing supervisor will ensure that no more than two (2) vehicles (primary and secondary) are actively taking part in a pursuit unless he/she authorizes additional units. The following should be considered when making such decisions.
 - The severity of the offense.
 - The number of occupants in the suspect vehicle.
 - The likelihood of armed suspects.
 5. The managing supervisor may deploy additional personnel and equipment, as they deem necessary, including Air One, traffic control, special purpose vehicles, etc.
 6. All supervisors in the path of a pursuit will remain alert to its progress and location. They will actively assist with traffic control and/or the management of traffic control along the route of the pursuit; to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, and foot pursuits, etc.
 7. The managing supervisor is required to respond to the scene of termination or discontinuance of all pursuits, whether or not a suspect has been apprehended.
 8. The managing supervisor will determine if a traffic accident resulting from the pursuit has occurred at any point along the route of the pursuit. This includes damage to police equipment, the suspect vehicle, civilian vehicles, and any other property. If an accident has occurred, the Traffic Investigation Unit will be notified and will respond.
 9. In those instances where a suspect has escaped apprehension, the managing supervisor will immediately coordinate efforts to follow up any investigative leads. Upon receiving the completed Vehicle Pursuit Report (DPD 453) and related documents, the appropriate investigative unit will be responsible for continuing the investigation with the intent of identifying and prosecuting the violator.
-

10. The managing supervisor will complete the Vehicle Pursuit Report (DPD 453).
 11. Any pursuit that is terminated by forced-stop methods (excluding *tire deflation devices* unless used to stop a motorcycle) will be reported on a Use of Force Report (DPD 12).
 12. The front of a Use of Force Report (DPD 12) will be used to report the appropriate information. The narrative may indicate "see vehicle pursuit report".
 13. A copy of the Vehicular Pursuit Report (DPD 453) will be attached to the Use of Force Report (DPD 12). The original Use of Force Report (DPD 12) will be forwarded to the Internal Affairs Division, with one copy to the division/district commander, and one copy to the Conduct Review Division, the Deputy Chief of Operations and the Chief of Police.
- h. Command Responsibilities:
1. Unless relieved or overruled by a superior officer, district lieutenants in service at the time of a pursuit are ultimately responsible for ensuring compliance with this pursuit policy if the pursuit is initiated or occurs on their assigned radio channel of operation. In accordance with RR-117, the highest-ranking officer (not including those physically involved in the pursuit) will have final authority over the continuation, cancellation, and tactics of a pursuit. Managing supervisors and police officers will follow the orders of higher ranking officers, regardless of the superior officer's assignment.
 2. All command officers in the path of a pursuit will remain alert to its progress and location. They will actively assist with the management of traffic control along the route of the pursuit to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, foot pursuits, etc.
- i. Participation in outside agency pursuits:
- Denver police officers are not authorized to actively participate in another agency's pursuit unless the circumstances fall within justification for engaging in pursuits as outlined in this policy. Denver police supervisors and command officers, in accordance with policy, have final authority over the involvement of Denver police officers. Denver police officers will assist with traffic control along the path of an outside agency pursuit to promote public safety, and will assist at the point of termination, to include suspect apprehension, accident investigation, perimeter containment, area searches, etc.
- j. Forced-Stop Methods:
1. If a pursuit is allowed to continue given the criteria set forth in this policy, forced-stop methods should be considered by supervisors as early as possible.
 - a. Only officers trained in forced-stop methods will be authorized to use them.
 - b. Officers will not resort to deadly force unless the circumstances fall within the guidelines described in the Use of Force Policy (OMS 105.00) and Colorado Revised Statutes.
 2. A supervisor must authorize the use of forced-stop methods unless exigent circumstances dictate immediate action without prior approval. Officers applying such tactics without supervisory approval will be required to justify the exigency that led to their actions.
 3. The managing supervisor will direct the application of forced-stop methods only after considering all information available. Pursuing officers must provide the managing supervisor with sufficient information to plan and prepare for the use of forced-stop methods.
 4. The managing supervisor and pursuing officers must assess the risk involved in forcible termination of the specific pursuit in progress, knowing that such termination may meet the criteria of the use of potentially deadly force
 5. Department personnel will only use roadblocks to apprehend an extremely dangerous felon
-

- who, if allowed to escape, would create a substantial risk of death or serious bodily injury to another.
- a. Authority to establish or remove a roadblock will lie with the managing supervisor or superior officer.
 - b. At least one marked vehicle will be at the scene of a roadblock.
 - c. A roadblock will not be established unless all pursuing police officers have been notified of the roadblock and its location, and have acknowledged.
 - d. To the degree possible under the circumstances, a roadblock will be established where it will be visible for an adequate distance to allow a suspect to come safely to a complete stop.
6. The use of a tire deflation device (stop sticks, spike pads, etc.) may be authorized by a managing supervisor in circumstances where other methods of control or apprehension would be ineffective or more dangerous. The following procedure will be adhered to:
- a. At least one marked patrol car and one uniformed officer will be on the scene where a tire deflation device is deployed.
 - b. As much as possible, uninvolved vehicles and pedestrians will be kept away from the area where the device will be deployed. Some situations may prevent limiting the consequence of such devices, but to the degree possible, they will be deployed in a manner that affects only the suspect vehicle. The place of deployment will be monitored by an officer to prevent pedestrians from entering this area.
 - c. The location of deployment of the tire deflation device will be communicated to the pursuing vehicles.
 - d. Use of this device against a motorcycle is considered deadly force and its deployment will be in accordance with laws and policy pertaining to the use of deadly force by Denver police officers.
- k. Vehicle pursuits with Denver Police air support (Air One):
1. The police helicopter will respond to all pursuits when it is available. Once the helicopter has established visual contact with the pursued vehicle and can follow the pursuit, the managing supervisor will be notified.
 2. At this point, the managing supervisor will order that ground units no longer follow the suspect vehicle, nor violate any traffic laws or regulations to catch up to or parallel the suspect vehicle. Officers should remain in the general area, and at the direction of the managing supervisor, will reengage or affect an arrest if the suspect(s) vehicle becomes stationary or if the suspect(s) exit the vehicle on foot, but until such time they should present an appearance to the suspect(s) that the police are no longer pursuing or following them. This may necessitate stopping, turning, or making some other effort to be out of the view of the suspect. The continued pursuit by ground units may be authorized only by the managing supervisor or a superior officer, and only upon a clearly articulated need based on facts known at the time, which may include the following.
 - a. The gravity of the offense
 - b. The surrounding terrain
 - c. Other circumstances that may impact officer safety or the ability to safely apprehend the suspect(s).
 3. The managing supervisor will clearly articulate in all reports the urgent need to continue ground pursuit once Air One is directly involved in the pursuit.
 4. The helicopter will illuminate the pursued vehicle with its searchlight to make the driver aware of the presence of the helicopter. If this awareness fails to cause the driver to slow,
-

stop, or surrender, illumination will cease. The helicopter crew will continue to observe the vehicle without the use of a spotlight and report its location from a position not visible to the driver. At this point, the role of the helicopter crew is to maintain observation of the suspect without causing the driver to attempt to elude it.

5. The helicopter crew will update ground units as to the suspect's location, direction, speed, etc.
 6. The helicopter crew will inform the managing supervisor and other ground units when and if an opportunity is present for an apprehension. This will generally occur when the suspect(s) have stopped and are exiting the vehicle. The managing supervisor will then authorize ground units to enter the immediate area to apprehend any suspects. The helicopter crew will assist ground units in establishing a perimeter, etc., until the suspect(s) are in custody or the managing supervisor terminates the police response.
- I. Vehicle pursuits involving media helicopters:
- Local television stations jointly operate a pool helicopter that may be available to assist in the event of a police pursuit or other emergency. The aircraft is equipped with a police radio capable of receiving and transmitting on talk groups one through six.
1. The managing supervisor may request the assistance of a media helicopter through the police dispatcher; however, participation by any media aircraft is strictly voluntary.
 2. If a media helicopter volunteers to assist in a police pursuit, the police dispatcher and managing supervisor will follow the procedures outlined for pursuits involving the police helicopter.
 3. Depending on which station is operating the aircraft, call signs for the media helicopters are as follows:
 - Channel Four: Sky 4
 - Channel Seven: Sky 7
 - Channel Nine: Sky 9
 - Channel 31: Sky Fox
 4. Should a media helicopter withdraw from participation in a pursuit, the managing supervisor may elect to resume active ground pursuit or terminate involvement entirely.

(4) PURSUIT TERMINATION / REPORTING PROCEDURES:

- a. Cover officers – post vehicle pursuit:

When a pursuit has reached a conclusion and police officers are actively involved in making an arrest or pursuing suspects on foot, officers will comply with the policy regarding the emergency operations of department vehicles and situations when emergency driving (Code 10) is authorized (OMS 112.02), however, the managing supervisor has ultimate authority over the manner of response of covering officers (Code 9 or 10). Officers will strictly comply with the orders of the managing supervisor or superior officer.
 - b. Vehicle approach:

If possible, officers are to avoid approaching an occupied suspect vehicle at the termination of a pursuit. High risk vehicle stop tactics are generally the most appropriate method of taking suspects into custody at the termination of a pursuit. It is understood that exigent circumstances may exist at the termination of a pursuit that cause an officer(s) to approach an occupied suspect vehicle. Officers will articulate their actions in such an event.
 - c. Traffic Investigations Unit personnel - Responsibilities:
 1. When notified of a pursuit-related accident, a Traffic Investigations Unit detective (and/or higher-ranking officers) will respond and be in charge of the accident investigation.
-

NOTE: A pursuit terminated as the result of a forced stop method only is considered a use of force and not an accident, even though a police vehicle may have been damaged as a result. The investigation of such incidents rests with the pursuit manager or incident commander, who may request the advice and assistance of TIU personnel if necessary.

2. When a suspect has evaded apprehension, the Traffic Investigations Unit (or other appropriate division) will be responsible for investigating, identifying, and prosecuting the violator. This will occur immediately upon receiving the completed Vehicle Pursuit Report (DPD 453) and any related documentation.
 3. It will be the policy of the Denver Police Department to vigorously pursue eluding charges against violators. Incidents meeting the criteria set forth in CRS §18-9-116.5 will be charged as a felony. Offenses not meeting these criteria will be filed into state court as a misdemeanor.
- d. Commanding officer of the Traffic Investigations Unit - Responsibilities:
1. The commanding officer of the Traffic Investigations Unit (or designee) will respond to the scene and direct the investigation of any pursuit/eluding no-chase related accident resulting in death or serious bodily injury, or unusually extensive property damage.
 2. When a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer will describe the event on a General Occurrence (GO) report titled, "Vehicular Eluding – No Chase". The commanding officer of the Traffic Investigations Unit will cause the incident to be investigated for possible prosecution of the violator, seizure of the suspect vehicle and for inclusion in a database
- e. Involved Officer - Responsibilities:
1. Upon termination of a pursuit, all officers involved will meet at a location designated by the managing supervisor. All officers will complete a statement attached with the GO report.
 2. When a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer will describe the event on a GO report titled, "Vehicular Eluding – No Chase" and route the report to Traffic Investigations.
- f. When a suspect driver has been apprehended:
1. All eluding charges will be filed into state court, either as misdemeanors or felonies.
 2. A Traffic Investigations Unit detective or other appropriate unit detective will examine the incident to determine if the filing of felony charges is appropriate
 3. A pursuit resulting in the death or serious bodily injury of any person will be deemed a critical incident, requiring the notification of the Denver District Attorney's Office, the Internal Affairs Division and the Office of the Independent Monitor. The commanding officer of TIU (or designee) is responsible for ensuring the district attorney's office, Internal Affairs Division, and the Office of the Independent Monitor are notified of the incident and afforded the opportunity to respond to the scene while the evidence is present, and prior to the conclusion of the investigation.
 4. Suspects will be processed by the TIU or the appropriate division, district or unit to handle the primary and most serious charge. The decision to incarcerate the suspect will be made by the Traffic Investigation Unit detectives when there are only traffic charges.
 5. If other charges are appropriate, such as auto theft, burglary, etc., the suspect will be processed in accordance with normal investigative arrest/intake procedures. This will be coordinated with Traffic Investigation Unit detectives.
-

6. To prosecute the charge of misdemeanor eluding, under CRS §42-4-1413, it is necessary to show:
 - Audible and visual signals, such as emergency lights and siren, were used during the pursuit.
 - The pursuit vehicle was a marked unit.
 - The suspect driver willfully increased speed, turned off the vehicle lights, or in some other manner attempted to elude the police.
 - The apprehended suspect is the driver of the vehicle.
7. To prosecute the charge of felony vehicular eluding, using CRS §18-9-116.5, it is necessary to show:
 - A person operating a motor vehicle knowingly eluded or attempted to elude a peace officer, also operating a motor vehicle.
 - The suspect knew or reasonably should have known that a peace officer was pursuing them.
 - The suspect operated his/her vehicle in a reckless manner.
- g. Termination of outside agency pursuits within Denver:
 1. The on-scene supervisor of the originating jurisdiction will generally be responsible for processing the arrest of any suspects and for coordinating the investigation; however, if there was a more serious violation in the City and County of Denver, the on-scene Denver police supervisor or command officer will assume responsibility for coordinating the immediate investigation. Nothing herein prohibits the investigation of any accident, criminal act, or other incident which occurred during the pursuit and within the City and County of Denver.
 2. When any pursuit results in or causes any traffic accident within the City and County of Denver, regardless of the originating jurisdiction, the Denver Police Traffic Investigations Unit will assume primary responsibility for investigation of the accident.

(5) VEHICLE PURSUIT REPORT (DPD 453):

This report captures incident data (e.g., involved officers, suspects, vehicles, etc.), and includes a narrative that must be completed.

- a. The managing supervisor or commanding officer is personally responsible for the completion of both parts of the report.
 - b. The Vehicle Pursuit Report (DPD 453) will be filled out completely. The narrative portion may be brief if the incident details listed below appear in the primary unit officer's statement in the General Occurrence (GO) report. The statement will provide a detailed description of the following items:
 1. Details to support compliance with all sections of this policy. Incomplete reports and statements will be returned for completion and clarification.
 2. Descriptions of the driver and occupants unless apprehended.
 3. Names, addresses and telephone numbers of all persons able to identify the suspect driver.
 4. Complete narrative description of actions taken by the driver that indicated an attempt to elude.
 5. The reason for the pursuit, location, direction, traffic and street conditions, and traffic violations committed by the suspect.
 6. Emergency equipment used (e.g., lights, siren, etc.).
 7. How the pursuit was terminated (e.g., forced stop, accident, surrender, etc.).
-

8. Injuries and/or damage caused by the pursuit.
9. Resistance incidents (attach a copy of the Use of Force Report – DPD 12).
10. Managing supervisor's actions during the pursuit.
- c. The managing supervisor will attach any handwritten officer or witness statements (DPD 366).
- d. Distribution:
 1. The original vehicle pursuit report and statements will be forwarded to the Traffic Investigation Unit. Related reports will be attached.
 2. The managing supervisor will ensure that copies of the Vehicle Pursuit Report (DPD 453) are distributed as follows:
 - Executive Director of Safety
 - Chief of Police
 - Deputy Chief
 - The Division Chief and District Commander of all involved officers
 - Civil Liability Section

(6) VEHICLE PURSUIT REVIEW:

- a. All pursuits and eluding incidents will be subject to a review process - See OMS 203.08 (3).
 - b. The Traffic Investigations Unit will maintain a database of all pursuits to formulate and/or revise policies and training. The Traffic Investigations Unit will also provide a monthly, quarterly, semi-annual, and annual report from the database to include a semi-annual and annual evaluation of trends and training needs.
-

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



205.00 IMPOUNDING PROCEDURES

REVISED: 11/09/2018

PAGE: 1 OF 10

205.01 MOTOR VEHICLES

(1) PURPOSE:

Vehicles may be towed when it is necessary that they be moved or impounded. The decision to impound, or to park and lock a vehicle, must be made by an officer based upon circumstance and department policy, and will be applied only on vehicles over which officers have exercised lawful control. Officers will consistently follow procedures detailed in this policy. Towing and/or impounding vehicles will not be used as a punitive action or to force a person to appear for questioning.

(2) REASONS FOR IMPOUNDING VEHICLES:

a. Mandatory:

1. Recovered Denver stolen vehicle and the owner is unable to be contacted or respond in a reasonable amount of time to take possession.
2. Recovered outside stolen vehicle (unless owner is present).
3. The owner/operator has been arrested and will not permit the vehicle to be legally parked.
4. Habitual traffic offender (HTO) violations – hold for Public Nuisance Abatement Unit.
5. Active want with stipulated impounding (e.g., hit and run, eluding, contains stolen property or other evidence, etc.).
6. To further an investigation that requires issuance of a search warrant to recover evidence from a vehicle.

b. Discretionary:

1. The vehicle itself is as an instrument of a crime. Factors may include the severity of the crime and whether the vehicle is needed as evidence.
 - A vehicle identified as an attempt to locate an owner or occupant will not be impounded unless it meets other criteria.
2. The owner/operator has been arrested, and in the officer's opinion, the vehicle could likely be subject to criminal mischief or theft, or is a traffic hazard. Risk of theft or criminal mischief may include factors such as geographic areas with significant crime rates, the inability to secure the vehicle based on its condition (e.g., damaged windows, locks etc.), or a design that allows valuables to be visible even when secured.
3. When involved in a crash or other vehicle related incident where the driver is incapacitated and unable to make a reasonable decision about its disposition. If possible, such vehicles should be released to the owner or authorized responsible person, or removed by private means and not impounded.
4. Vehicles which an officer reasonably believes constitute a traffic hazard on any street, particularly on the interstate or freeway system, will be short towed or impounded.

(3) ALTERNATIVES TO IMPOUNDING VEHICLES:

a. Park and lock

1. Vehicles may be parked and locked under the following circumstances:
 - The owner/operator has been arrested and impounding the vehicle is not required or permitted by policy, or it is determined to be necessary based upon the circumstances.
-

- The owner/operator is incapacitated and unable to drive it from the point of contact, or take responsibility for it.
- 2. Vehicle disposition
The vehicle may be released with owner/operator consent to designated person, or the arresting/assisting officer will legally park the vehicle and lock it.
- 3. Owner/operator released without charges
When an individual is released without being formally charged, and lawfully possesses the vehicle, the arresting officer (or designee) will return the person to his/her vehicle. Unlicensed drivers will be advised not to drive the vehicle, and the legal consequences of doing so. The officer will document the advisement.
- 4. Documentation of vehicle park and lock location
 - DUI / DWAI / DUID arrests:
Within the vehicle disposition section of the Sobriety Case Summary and a completed Personal Vehicle Location Card (DPD 815) which will be given to the arrestee or placed with his/her personal belongings. The Personal Vehicle Location Card (DPD 815) is available within the DUI Room at the Detention Center.
 - All other arrests:
Within the General Occurrence (GO) report.

b. Short tow

Vehicles may be short towed under the following circumstances:

- The vehicle is on a public street or property and blocking access to a private or public driveway/entryway.
- To allow for authorized construction or repair of public streets or other utility issues.
- To allow for a special event or similar situation (e.g., bagged parking meters).
- The vehicle presents a safety hazard on a public street, highway, or public property.
- Following a crash where the vehicle is not drivable, and its immediate removal is necessary for public safety and/or traffic flow. Officers will consider any hazard which might be created by the vehicle being left on the street prior to deciding to park and lock it. Following removal, when possible officers will advise the owner/operator of the vehicle's new location and the need to remove it as soon as possible.

(4) REPORTING:

- a. Officers will follow established procedures and complete an Impounded/Recovered Vehicle Report (DPD 224) for each vehicle:
 - 1. Impounded
 - 2. Parked and locked
 - 3. Short towed (if the passenger compartment is unlocked, or access becomes necessary)
- b. Impounded/Recovered Vehicle Report (DPD 224)
 - Officers will complete both the top and bottom half of the Impounded/Recovered Vehicle Report (DPD 224) and sign the report in the presence of the tow truck driver, who will acknowledge the same by his/her signature.
 - The officer will give all four completed copies to the tow driver (ensuring all copies are legible).
 - After signing the completed form, the tow operator will separate a designated copy and give it to the officer for attachment with the tow invoice and submission to the Records Unit for scanning into Versadex for connection with the related GO report or street check.

- If an Impounded/Recovered Vehicle Report (DPD 224) is completed and a GO report is not necessary, officers will create a street check detailing the actions taken.

c. Tow Invoice

Officers will sign only one tow company invoice for each tow truck ordered. For short tows, the invoice must contain the date and time the towing service began and ended.

d. Electronic Log Sheet

When a vehicle is towed, the officer's Electronic Log Sheet must list the following information using "Add Remarks" or "Clear Call/Remarks."

1. The license plate number or VIN of the vehicle(s) towed.
2. Location to which the vehicle(s) was towed.
3. Tow company invoice number.
4. Officers will submit the copy of the billing invoice received from the tow driver to their supervisor, who is responsible to forward this copy to the Financial Services Section.

(5) VEHICLE INVENTORY AND PROCESSING:

a. Locked vehicles

Locked vehicles should be entered only when necessary. Whenever a locked vehicle is entered by an officer or a tow driver to expedite moving, to handle an emergency, or to obtain evidence, the investigating officer will be responsible for the proper disposition of all personal property in the vehicle as outlined in this policy.

b. Personal property valuation

When assessing personal property found in vehicles that officers have exercised lawful control over, the following value guidelines will be used:

1. Items of value - include but not limited to currency (not loose change), jewelry, electronics, prescribed medications, and cameras.
2. Items of minimal value - include but not limited to clothing, blankets, perishable food, and disposable items. When appropriate, perishable foods may be photographed and then placed in trash receptacles.
3. When officers are unsure how to categorize the value of personal property, it will be deemed an "item of value".

c. Inventory search

1. Impounding

An inventory search will be completed and must follow established departmental policies, preserve the defendant's property, help shield the Denver Police Department against claims of lost property, and protect officers and others from any dangerous objects.

- The officer impounding a vehicle is responsible for the protection and security of all property located inside.
 - Any fruits of a crime or contraband found in this inventory search is admissible as evidence. The vehicle may be towed to police headquarters, or a district station to be inventoried, and must be inventoried as soon as possible.
 - Whenever possible, an officer will open a locked trunk or glove compartment by means of a key rather than by force. If keys are not available, instructions shall be obtained from a supervisor as to the method to be used in opening the locked trunk or glove compartment.
-

- When impounding a vehicle, officers are authorized to open closed containers found inside as a part of the inventory process.
 - 2. Park and lock

Officers are responsible for the security and disposition of all items of value that are in plain view within the passenger compartment, or upon notification of such property by the owner/operator.

 - When an officer has a reasonable belief that a container may hold a firearm, he/she may look inside it. If the container is locked, officers will seek voluntary consent and direction from the on-scene arrestee/owner to gain entry.
 - If the arrestee/owner refuses assistance in gaining access, officers will contact a supervisor for direction.
 - In cases where the potential firearm may be evidence of a crime, a warrant to force entry into the container may be necessary. The appropriate investigative unit will be contacted for direction.
 - 3. Short tow

Typically, most short tows involve secured vehicles and will not require entry into the passenger compartment. When entry is required and does occur, officers are responsible for the security and disposition of all items of value that are in plain view within the passenger compartment, or upon notification of such property by the owner/operator.
 - d. Property disposition

The following procedures apply to all impounded, parked and locked, and short towed vehicles:

 - Items which reasonably appear to be of value will be removed and delivered to the Property Management Section. This will be documented in the "INTERIOR" section of the Impounded/Recovered Vehicle Report (DPD 224).
 - Items which reasonably appear to be of minimal value may remain in the vehicle, and when possible should be placed in the trunk or other secure location. Officers will inventory and list such property in the "COMMENTS" section of the Impounded/Recovered Vehicle Report (DPD 224). If additional space is needed the back of the top copy may be used.
 - When property is secured inside a vehicle (except in cases where a vehicle is secured in a cage pending a search warrant), the Vehicle Impound Facility will not accept it without a property inventory listed on the Impounded/Recovered Vehicle Report (DPD 224).
 - If there is no property in the vehicle to inventory, the officer will indicate "none" in the "COMMENTS" section of the Impounded/Recovered Vehicle Report (DPD 224).
 - All contraband and firearms will be taken to the Property Management Section.
 - When recovering a firearm from the vehicle of a person under arrest, officers will determine if the person may legally possess it. If illegal firearm possession is determined, appropriate criminal charges will be placed against such persons.
 - EXCEPTION – in some cases an owner/operator may be present (not in custody) and able to take lawful possession of the vehicle and contents. Depending on circumstances it may be appropriate for officers to remove only contraband and evidence. Officers will assess such situations on a case-by-case basis when determining a course of action.
 - e. Vehicle keys
 1. Impounding:
-

Unless absolutely necessary, officers will not remove or separate keys from a vehicle when impounding. If keys are removed, disposition is to be detailed on the Impounded/Recovered Vehicle Report (DPD 224).

2. Park and lock / short tow:

The keys will be given to the owner/operator, or to a person designated by the owner/operator, or placed with the arrestee's personal belongings. Unlicensed drivers will be advised not to drive the vehicle, and the legal consequences of doing so. The officer will document the advisement.

(6) SPECIAL CIRCUMSTANCES:

a. Excessive property

When it is impractical to take possession and transport personal property from vehicles due to an excessive number of items (e.g., tools, machinery, vehicle used as shelter or for work purposes, hoarding, etc.), officers will request a supervisor.

1. The supervisor will respond to the officer's location, determine the appropriate action, and may authorize that such items remain with the vehicle. To the degree possible they will attempt to ensure that items of value are secured out of view within the vehicle, and may also direct that designated items be taken to the Property Management Section. Firearms and items that are contraband and/or related to a criminal event will be placed in the Property Management Section.
2. Officers will note such circumstances and the name of the authorizing supervisor in the "COMMENTS" section of the Impounded/Recovered Vehicle Report (DPD 224).

b. Live animals

Live animals recovered from vehicles will be placed in the care of a responsible person designated by the owner/operator who can respond to the scene in a reasonable amount of time, or Denver Animal Control (or their designee).

(7) VEHICLES BLOCKING PUBLIC AND PRIVATE ACCESS:

Vehicles illegally parked in such a way as to block private or public drives in violation of DRMC 54-458(2) will be handled as follows:

a. Vehicles blocking access to public property:

- Issue a parking citation.
- Move the vehicle by using an hourly tow, but do not impound.
- Using the clearance channel, officers will provide the year, make, model, vehicle identification number, license number, and the specific locations where the vehicle was moved from and to. The clearance channel operator will enter this information into CAD for future reference.

b. Vehicles blocking access to private property:

- Establish legitimacy of complaint.
- Issue a parking citation
- Tow only on complaint, using an hourly tow, but do not impound.
- Using the clearance channel, officers will provide the year, make, model, vehicle identification number, license number, and the specific locations where the vehicle was moved from and to. The clearance channel operator will enter this information into CAD for future reference.

(8) ABANDONED VEHICLES:

- a. If a vehicle is parked in the same location on a street for more than seventy-two (72) hours or appears to be abandoned, the investigating officer should attempt to contact the owner and request the vehicle be moved.
-

- b. If the vehicle is checked via computer information systems and determined not to be wanted and the officer is unsuccessful in having it moved by a responsible person, he/she will complete and post an Abandoned Vehicle Warning (DPD 221) on the vehicle. If an Abandoned Vehicle Warning (DPD 221) is completed, all copies must be clearly legible to the reader.
 - The pink copy of the form is to be placed on the vehicle in a conspicuous place, such as under the windshield wiper blade or on the door post. DO NOT lay the notice on the seat.
 - The vehicle in question will be marked on the left rear tire so the mark can be seen from the rear of the vehicle. If the vehicle does not have tires or wheels, indicate so on the Abandoned Vehicle Warning (DPD 221).
 - The white copy of the Abandoned Vehicle Warning (DPD 221) will be forwarded via interdepartmental mail to the Abandoned Vehicle Unit, Vehicle Impound Facility.
 - When an Abandoned Vehicle Warning (DPD 221) is submitted, the Denver Sheriff Department Abandoned Vehicle Unit is responsible for follow-up investigations and impounding or summarily disposing of the vehicle.
- c. Private property:

An officer investigating a complaint of an abandoned vehicle on private property will issue a citation signed by the owner of the property or his/her representative, to be placed on the vehicle or issued to the vehicle owner. Unless the vehicle is determined to be stolen or wanted in connection with a crime, the private property owner is responsible for removal of the vehicle.
- d. Denver International Airport:

The DIA Parking Management Impound Lot will be used for vehicles left abandoned or unattended along the curb at passenger arrivals/departures or from any other area on DIA property deemed acceptable for this purpose.

(9) CITY CONTRACT TOWS:

- a. Officers needing a city contract tow will request one through the police dispatcher.
- b. In cases where emergency clearing of a street is necessary, the first officer on the scene will order the number of tows required and advise other personnel as necessary.
- c. If no emergency exists, the investigating officer will order tow trucks after determining the number needed.
- d. Officers will not order a tow until they have made a firm decision as to the need. Per the city contract, once the dispatcher has requested a tow, it cannot be canceled.
- e. If an ordered tow arrives at the scene and the officer decides for sufficient reason that the vehicle is not to be towed or impounded, the officer will:
 - 1. Sign a "no go" slip for the tow driver.
 - 2. Officers will submit the copy of the billing invoice received from the tow driver to their supervisor, who is responsible to forward this copy to the Financial Services Section
 - 3. When a city contract tow has been ordered and the driver returns prior to the actual removal of the vehicle, the following procedure will be followed:
 - The driver will not be required to make payment to the tow driver.
 - The officer will sign a "no go" slip and release the car to the driver or owner.
 - This procedure does not prevent any officer from taking enforcement action for any parking or moving violations involving the vehicle.
 - This procedure does not prevent the towing of any vehicle wanted by the department or where the driver is arrested, and towing is deemed appropriate by policy.

4. Officers experiencing a response in excess of thirty (30) minutes while waiting for a city contract tow will specifically document all pertinent information on a DPD 200 and forward it to the Financial Services Section.
- f. Towing invoice
Officers using city contract tows will not sign a blank tow company invoice. The invoice will be signed only after all applicable and available information has been entered.

(10) PRIVATE TOWS:

Private tows will not be ordered over the radio except:

- a. For persons who are stranded and there is no other means of transportation or assistance available.
- b. As provided for in major highway/interstate contract tow procedures.
- c. Vehicles that should be towed or otherwise removed from city property; are not the subject of a police investigation, and where a custodian or owner is present may be removed by private tow as follows:
 1. If the vehicle(s) is to be moved by private tow, the officer will explain to the custodian or owner that a private tow can be ordered by the officer (via police dispatch or clear 1) and that the vendor under contract to the city will respond. The fees for the towing service are the responsibility of the custodian/owner.
 2. When the citizen does not desire the contract tow, and when necessary and practical, officers may allow the person use of his/her assigned department cell phone or will assist by transporting them from the scene to the nearest phone where they may make their own arrangements for the removal and safekeeping of their vehicle.
 3. Officers using city contract tows will not sign a blank tow company invoice. The invoice will be signed only after all applicable and available information has been entered.

(11) LAWS AFFECTING TOW OPERATIONS:

Tow trucks which operate (i.e., pickup and drop) solely within the City and County of Denver can be issued a tow permit by the Director of Excise and License (DRMC 55-186.). Tow trucks which operate on a statewide or metro area basis are required to have a valid permit issued by the State Public Utilities Commission. Public Utilities Commission Towing permits are valid in the City and County of Denver. Any tow for hire operator found towing without a valid permit should be reported to the Public Utilities Commission. Police officers are not empowered to enforce the provisions of the statute dealing with Public Utilities Commission issued towing permits.

(12) VEHICLE STORAGE AND HOLDS:

- a. Vehicle Impound Facility
 1. The Denver Sheriff Department Vehicle Impound Facility is responsible for the custodial functions related to the impounding, releasing, and storage of impounded motor vehicles.
 2. When towed vehicles containing undocumented personal property of perceived value arrive at the Vehicle Impound Facility, the attendant will notify the dispatcher and identify the officer who signed the tow slip. A supervisor of the involved officer will be notified and dispatched to the Vehicle Impound Facility to make proper disposition of the personal property, either by personally inventorying and delivering the property to the Property Management Section or by requiring the involved officer or designating another officer to do so.
 3. Once a vehicle has been impounded, investigating officers or detectives will check in with the Vehicle Impound Facility personnel prior to visiting any motor vehicle. All Vehicle Impound Facility procedures regarding the removal of evidence and/or personal property
-

will be strictly adhered to and the recovering officer will be responsible for any property removed as evidence, for court, or for release to the property owner.

b. Vehicle Holds

1. When a vehicle is placed in the Vehicle Impound Facility with a hold for a specific division, district, or detective, the officer having the vehicle impounded will notify the division, district, or detective involved.
2. Any vehicle in the Vehicle Impound Facility on an investigative hold must have a Notice of Vehicle Impounded for Investigation - Hold (DPD 227), submitted by the assigned investigating officer. Officers may not place an ongoing investigative hold without the approval of a supervisor documented on a DPD 227. Any vehicle for which a DPD 227 is not received at the Vehicle Impound Facility will automatically be released after five days.
3. Vehicles with a police hold may be released by a detective, or the impounding officer (with the approval of a supervisor), by submitting to the Vehicle Impound Facility a copy of DPD 227 via the Aries computer program, or in person. Officers without access to the Aries program will be assisted by the approving supervisor.
4. It is the responsibility of the detective or officer releasing a hold on an impounded vehicle to notify the owner of the release.

c. Waiver/Adjustment of Towing & Storage Fees:

1. DRMC 54-813 authorizes the Executive Director of Safety to waive and/or adjust towing and/or storage fees under certain circumstances. The Executive Director of Safety has delegated to the Chief of Police the authority to waive and/or adjust the towing and storage fees for the below sections. The Chief of Police has delegated this authority to the deputy chiefs and commanders (or designees).
 - When the vehicle was impounded because of the operator being taken into custody and the operator has been released without charges being filed
 - When the vehicle has accumulated storage charges while being held as evidence, if the operator is not convicted of an offense associated with the impoundment.
2. Other special circumstances:
 - In cases when a vehicle is towed and/or stored by mistake by a member of the department, or when a vehicle was reported as stolen and subsequently recovered/impounded by the police, the responsibility to waive and/or adjust the towing and storage fees lies with the Vehicle Impound Facility.
 - Department personnel do not have the authority to waive and/or adjust the towing and storage fees outside of the circumstances in section c.1. above (including hardship requests), however, they may submit a request to the Vehicle Impound Facility. Although the police department can initiate these requests, final authority lies with the Executive Director of Safety Office, through the Vehicle Impound Facility.
3. To initiate the waiver and/or adjustment of towing and storage fees:
Investigating detectives or authorized officers intending to waive the impound and/or storage charges will either submit a completed DIF Form 001 (and a copy of the original DPD 227) to the Vehicle Impound Facility in person or initiate the request via the Aries computer program.

An owner who is notified by telephone must remove the vehicle within forty-eight (48) hours of notification. All waivers for fees and charges expire after 48 hours, and are then due and payable unless the detective sends an additional waiver.

205.02 BICYCLES

(1) AUTHORIZATION:

Officers are authorized to remove a bicycle from any street, bicycle path, or any other public place and to impound the bicycle when:

- a. The bicycle is not in safe mechanical condition or lacks the required safety equipment as provided by ordinance.
- b. The bicycle is operated by a person under the age of sixteen (16) years in violation of any ordinance of the City and County of Denver relating to traffic or in violation of any of the provisions of the bicycle code.
 1. Riding bicycles on the sidewalk has been legalized for the delivery of newspapers only OR when the sidewalk is part of a designated bicycle route. All riders are required to yield the right-of-way to pedestrians, leaving the sidewalk or dismounting if necessary.
 2. Bicycles are not required to be equipped with a warning device, but such devices are not prohibited, except for sirens.

(2) OFFICERS WILL IMPOUND A BICYCLE WHEN:

- a. The frame number has been altered or obliterated in any manner (See CRS §18-5-305).
- b. The rider has left the bicycle unattended because of injury or illness.
- c. It is found abandoned and safekeeping for the rightful owner is necessary.
- d. It has been identified as a stolen bicycle via the NCIC/CCIC computer systems.
- e. The owner/rider has been arrested.
- f. Under no circumstance will a bicycle be parked and locked.
- g. Under circumstances when a rider has been injured or incapacitated, an officer may transport the bicycle to a secured location at the owner's/operator's direction (time and distance permitting).

(3) WHEN IMPOUNDING A BICYCLE, OFFICERS WILL:

- a. Transport the bicycle to a district station and record the bicycle's information in the district station's bicycle log book. The log serves as both a chain of custody record and notice for the Bicycle Recovery Unit of the present location of the recovered bicycle for pick-up.
- b. Complete a Bicycle Impounding Notice (DPD 271), and securely attach it to the bicycle. This form is both an inventory control and a claim check.
 1. Both portions of Bicycle Impounding Notice (DPD 271) are left with the impounded bicycle when it has been found abandoned or left unattended because of rider injury or illness.
 2. Officers impounding a bicycle after contacting the rider will issue the lower portion of the Bicycle Impounding Notice (DPD 271) as a claim check for the owner/rider. The upper portion of the form will remain with the bicycle.
 3. If the bicycle is to be held as evidence, officers will tag the letter "E" on the Bicycle Impound Notice (DPD 271) using a bold marker.
- c. Officers will complete a General Occurrence (GO) report whenever they impound a bicycle.
 1. When officers recover a bicycle that is not part of another GO report:
 - Officers will title the GO report as "Bicycle Lost/Found Non-Criminal"
 - The narrative must describe in detail how the officer came to possess the bicycle.
 - The bicycle will be entered as an entity and include all available identifying information associated with the bicycle, such as the make, model, style, color, serial number, and any unique marks/stickers, etc.

2. If the recovered bicycle was part of another occurrence (e.g., burglary, theft, etc.) where a GO report was previously completed, officers should use the previous GO number to document the recovered bicycle and the associated recovery information.

(4) BICYCLES NOT CLAIMED WITHIN 30 DAYS:

Bicycles not claimed within 30 days of recovery are subject to public auction. Persons inquiring about impounded bicycles are to be directed to the Bicycle Impound, 1930 35th St., (720) 865-0090.

(5) BICYCLE IMPOUND RESPONSIBILITIES:

Personnel assigned to the Bicycle Impound are tasked with the following:

- a. Coordinate collection of impounded bicycles from district stations.
 - b. Maintain inventory of recovered bicycles.
 - c. Identify any stolen bicycle on recovery list and notify assigned detective.
 - d. Prepare inventory of recovered bicycles for public auction.
-

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



206.00 HAZARDOUS MATERIALS

REVISED: 02/02/2018

PAGE: 1 OF 5

206.01 GENERAL GUIDELINES

(1) POLICE RESPONSE:

The ranking officer of the Highway Unit, or in his/her absence, a Traffic Operations Section supervisor/command officer will assume command of police personnel and activities at the scene of hazardous material incidents (unless relieved by higher authority or unavailable). During after-hours, designated Traffic Operations personnel can be notified through Denver 911 and may respond on a call-out basis. If an on-duty Traffic Section supervisor/command officer is not available, an on-duty supervisor of the affected patrol district will assume responsibility for scene management and personnel supervision.

(2) TRUCKS AND RAILROAD CARS:

Every truck (e.g., tanker, box, etc.) or railroad car should be considered a potential hazard because of the material it may be carrying, whether it is placarded or not.

- a. When encountered with hazardous materials, first responders will be mindful of the following:
 1. Approach from upwind and uphill if possible. Do not walk into spilled material or clouds of vapor. A minimum distance of 300 feet is recommended, unless advised otherwise by personnel from the Denver Fire Department or Traffic Operations Section.
 2. Avoid inhaling fumes, smoke, and vapors even if no hazardous materials are evident.
 3. Do not assume that gases or vapors are harmless because of a lack of odor.
 - b. In case of an accident, fire, or spillage, the first officer to respond will:
 1. Request medical aid for any injured while moving and keeping people away from the incident scene.
 2. Request through dispatch that the Denver Fire Department Hazardous Material Response Team respond to contain, neutralize, or take charge of any hazardous material spilled, leaked, or abandoned. NOTE: DFD is NOT responsible for the cleanup.
 3. Notify Traffic Operations and/or the Highway Unit of the incident. Some officers assigned to these areas are specially trained as commercial vehicle hazardous material inspectors and will respond on all hazardous material incidents involving an accident, spillage, illegal transportation, and/or dumping. Additionally, certified truck inspectors with a hazmat rating from the Traffic Operations Section can be contacted or called out for hazardous material related incidents, including traffic accidents that result in serious bodily injury or fatalities.
 4. The Hazardous Material Response Team and Highway Unit have officers trained in handling hazardous materials may be called to the scene of an illegal dumping of hazardous material, both on and off highways.
 5. In the event of any hazardous material spill within the City and County of Denver, officers will direct Denver 911 to notify Denver Environmental Services and Denver Wastewater. The ranking officer of the Highway Unit or a Traffic Section supervisor/command officer will ensure that when a hazardous material spill occurs on a highway, street, or within city limits, the Denver Environmental Services & Denver Wastewater will be notified through Denver 911. Both are available on a 24-hour basis.
 6. If necessary, the METRO/SWAT Section or other appropriate units should be called for perimeter control and possible evacuation.
-

7. Request additional support as needed.
- c. Identifying hazardous materials:

Check for hazardous material placards, identifying the type of hazardous material cargo (flammable, poison, corrosives, etc.). Placards are located on the ends and sides of involved vehicles. Check for hazardous material I.D. numbers on cargo tanks, tank cars and portable tanks which identify specific hazardous materials on board. These I.D. numbers may be found on orange panels, certain placards, and on shipping papers.

 1. Ascertain from the driver or train crew members the type of material carried and retrieve the shipping papers from the cab if it can be accomplished without risk to the officer.
 2. If the shipping papers are not available, the trucking company or carrier may be contacted through the fire department dispatcher, Highway Unit, or other Traffic Operations truck inspector to obtain information on the unknown material.
 3. The BNSF Railway / Homeland Security AskRail mobile application is required to be downloaded on department cell phones assigned to patrol and traffic personnel and supervisors. The activation process can take up to two weeks. The AskRail application provides first responders with critical information about the contents of a railcar. When using AskRail, officers should try and secure the most up-to-date shipping papers directly from the train crew or from the BNSF Railway Police Regional Operations Call Center at 1-800-832-5452, option 1.
 - AskRail should be used periodically to ensure the most recent updates are installed.
 - Information contained in the AskRail application is restricted and security sensitive.
 - AskRail should only be used for training purposes or when responding to a rail incident.
 - To download the application, go to www.bnsfhazmat.com/askrail on a department cell phone and register. An email will be sent with a download link.

(3) FIRE DEPARTMENT RESPONSIBILITIES:

The Denver Fire Department will be called to any scene where hazardous materials are involved or suspected. The senior fire department officer at the scene will assume command of the area needed for fire fighting, rescue operations and any area needed to contain and neutralize the spill.

- a. The fire department will assume command and control of the hazardous material scene until the situation is stabilized.
- b. If the fire department or state health department recommends the evacuation of people from the danger area, the Denver Police Department will supervise the evacuation. See section (8).
- c. The fire department will take any samples required. Police department personnel will not take samples of unknown substances.
- d. If a vehicle containing hazardous materials is to be impounded, it must be done with the approval of the fire department and will be towed to the fire department holding facility.
- e. The fire department will be responsible for the rescue of injured persons when the rescue is restricted by the presence of hazardous materials.

(4) POLICE DEPARTMENT RESPONSIBILITIES:

- a. Traffic and crowd control at and in the vicinity of the incident. Begin traffic diversions as soon as possible, to include assisting motorists who may be prevented from exiting the affected area.
 - b. With any incident involving interstate highways (listed below), officers will direct Denver 911 to notify CDOT of any closure and/or hazardous material spill. Contact a Traffic Section supervisor for any highway closures or diversions.
 - W. 6th Ave. (from Osage St. to Sheridan Blvd.)
-

- I-225
 - I-25
 - I-70
 - Any interstate ramp
- c. Keep avenues of access and egress open for emergency response vehicles.
- d. When deemed necessary, evacuate all persons except required personnel from the immediate area and keep them a safe distance from the incident scene.
- e. If toxic vapors are released, evacuate all persons from the area to the recommended safe distance area as ordered by the fire department. Continue to emphasize the hazard to responding emergency personnel.
- f. In conjunction with the fire department and assisting agencies, establish a unified command post upwind, a safe distance from the scene of an incident. Ensure that each involved agency has a representative at the command post.
- g. Security of the area evacuated.
- h. Make frequent situation reports to the Denver Office of Emergency Management (when activated).
- i. Do not drive any vehicle near an accident scene involving a vehicle or other conveyance carrying flammable liquids or compressed gas, as it may cause the material to ignite.
- j. Keep fires, open flames, flares, and smoking materials away from the scene.
- k. Deploy non-flammable warning signals on roadway / highway approaches to warn motorists. Do not use flares.

(5) SUPERVISION OF POLICE PERSONNEL:

The ranking officer of the Highway Unit will assume command of police personnel at the scene of hazardous material incidents, unless relieved by higher authority or unavailable. The Highway Unit or other designated personnel will:

- a. Coordinate the on-scene investigation, gathering of evidence and interviewing of witnesses.
- b. Identify vehicle equipment violations, violations of Federal regulations, and other violations pertaining to the transportation of hazardous materials.
- c. Complete necessary reports on traffic accidents involving hazardous material spills, and supply pertinent information to the U.S. Department of Transportation on incidents involving interstate transportation of hazardous materials resulting in a leakage or spill. The actual spillage report of any hazardous or toxic substance is the responsibility of the Denver Fire Department Hazardous Material Team.
- d. Complete a General Occurrence (GO) Report of illegal dumps and spills of hazardous materials on public and private property, even though not traffic related.

(6) INNER PERIMETER:

The METRO/SWAT Section or other assigned unit will be in charge of the inner perimeter as established by the fire department, if mandated for evacuations.

(7) ACCIDENT INVESTIGATION AND RESTORATION OF TRAFFIC FLOW:

Investigation of the accident and restoration of the traffic flow will be the responsibility of the Special Operations Division / Traffic Operations Section (when available). A Traffic Operations supervisor will be advised of any such incident and will respond to the scene to assume the immediate duties of incident commander. When the fire department has assumed command of the overall scene, a Traffic Operations supervisor will assume command of police operations unless relieved by higher authority or unavailable.

(8) EVACUATION:

When fire department personnel determine that evacuation is necessary, the commanding officer of the Traffic Operations Highway Unit will advise the commanding officer or supervisor of the METRO/SWAT Section or other assigned unit. The commanding officer or supervisor of the METRO/SWAT Section or other assigned unit will be in charge of all aspects of the evacuation: notification of evacuees, arrangement of transportation and a relocation site, and control of the evacuated area.

(9) MOBILE COMMAND POST:

If required, the METRO/SWAT Section or other authorized personnel will be responsible for transporting the mobile command post to the scene.

(10) AFTER ACTION REPORT (DPD 286):

- a. In addition to the required distribution(s) of an After Action Report (DPD 286), a copy will be sent to the Highway Unit commanding officer and will include the total number of personnel hours expended.
- b. A copy of the After Action Report (DPD 286) will be forwarded to the fire department by the Highway Unit commanding officer and will include the cost of all police department personnel, equipment, and materials assigned or expended during the incident.

(11) CLEANUP:

- a. In any such case occurring on highways designated in Section (4), as soon as possible the Colorado Department of Transportation (CDOT) must be notified to respond. CDOT will need the assistance of a uniformed Denver police officer, Highway Unit HazMat officer, and DFD HazMat on the scene.
 - b. Cleanup of a hazardous material spill on any interstate highway, highway ramp, or any city street or location is the responsibility of the driver/carrier/owner of the material. With spills by a commercial vehicle carrier or certified company, their driver or operator will have shipping papers and 24-hour contact with their home office or insurance carrier for financial responsibility of the cleanup. If a driver/operator is incapacitated, company papers can be located inside the cab of the truck (if still intact). A Traffic Operations officer can assist with this.
 - c. Through a home office or insurance carrier, the owner/driver has the ability to hire a bona-fide hazardous material/environmental cleanup company. The Denver Environmental Services Unit and Denver 911 have contact numbers for such companies, who can respond within approximately one hour to clean up the spill and the contaminated ground.
Responding cleanup services will need to know what the material is, how much there is, and if it has spread to drains or ground off the roadway. They will also ask for financial information from the driver/operator before they respond.
 - d. In the event payment from an owner/operator is not possible, a supervisor or representative of Denver Environmental Services can authorize calling a cleanup company, including for the interstate highway system and ramps.
 - e. CDOT is not responsible for cleanup, but can help with sweeping dirt, oil spots, and debris (not hazardous material spills). Highway cleanup should be done to the degree that a motorcycle can safely be driven over the prior affected area (notwithstanding weather and other roadway conditions). The assigned officer at the scene is responsible to ensure cleanup is done to that degree before reopening the roadway.
 - f. In any case of abandoned material such as containers that are leaking unknown contents, officers may request the Denver Fire Department Hazardous Material Team and Denver Environmental Services for examination and disposal.
 - g. There are several heavy tows available to remove large trucks from a highway. Usually, the driver/owner has a designated company that he/she will use. However, with interstate highways
-

- or large city intersections, another local or city contract tow can be called to facilitate more efficient reopening of roadways. The driver/owner is responsible for the towing service bill. If a truck is to be impounded, a Traffic Operations Section supervisor should be requested, as special accommodations may be required that the city impound lot cannot handle.
- h. In the event a large truck or trailer has gone into a river, or down a hill where a heavy tow operator indicates he/she is unable to pull it out, a crane can be called through Denver 911. The owner/driver is financially responsible.

(12) FOLLOW UP INVESTIGATION:

Follow up investigation of hazardous material violations will be handled by detectives assigned to the Traffic Investigations Unit, with the assistance of a hazardous material truck inspector. General Occurrence (GO) reports requiring follow up investigation will be routed to the Traffic Investigations Unit.

301.00 - CRIMINAL INVESTIGATIONS

301.01 Crime Scene

- (1) The crime scene is anywhere the action of the crime occurs or where evidence of that crime can be recovered. The crime scene contains proof that a crime has been committed. It often holds many or all of the elements of the crime and can provide an abundance of physical evidence. Evidence connects the crime scene to the victim, a suspect or suspects, and the suspect(s) and victim(s) to each other. Maintaining the integrity of a crime scene is of central importance to criminal investigations and therefore must be processed in a collaborative, professional and methodical manner.
 - a. Definitions:
 1. Crime scene integrity will be maintained by no fewer than one (1) and as many as two (2) levels of security depending on the crime scene type. Major crime scenes (as addressed in 301.01(9) d.) will consist of no fewer than (2) levels of security. Security can be accomplished by use of natural barriers, structures, police and emergency equipment, personnel, and crime scene tape. These security levels include:
 - a. Outer perimeter: this is the outer-most boundary of the crime scene. It is designed to exclude all non-essential personnel from the crime scene area. This outer area is also designed to provide a "safer or buffer zone" for officers to conduct official business during the processing of the critical, inner perimeter of the crime scene and provides a barrier from the public areas. When situations require, a command post and/or media staging can be designated in an area contiguous to this outer perimeter. The outer perimeter will be designated by YELLOW tape. This single level of security will suffice when the crime scene being processed only requires minimal protection.
 - b. Inner perimeter: this is the designation given to the boundary in a major case where the evidence exists and has been located. The inner perimeter will be accessible to those officers who have legitimate responsibility to the security of the crime scene, the completion of crime scene processing and the investigation of the case. The inner perimeter will be designated by RED tape.
- (2) Crime Scenes are documented using methods including, but not limited to:
 - a. Photography (still and video)
 - b. Measuring
 - c. Scene diagramming
 - d. Note taking and scene describing (supplemental reporting)
 - e. Homicide, Police Shooting, or other Critical Incident crime scenes, which results in a death or serious bodily injury where a substantial risk of death is present, will be processed using all available documentation methods when deemed reasonable and beneficial to the case.
 - f. All other crime scene investigations will utilize the proper level of documentation necessary to record the crime being investigated. The decision as to the level and reasonableness of the documentation necessary will be made collaboratively by the ranking member of the investigation team and the Director of the Crime Laboratory or their respective designees. Samples of large pieces of evidence are preferred over recovering the entire item unless it can be demonstrated that seizure of such evidence is beneficial to the case investigation. The decision to collect such large items may require consultation with the District Attorney or their designee.
- (3) General Provisions: The purpose of crime scene investigation is to properly and legally process a crime scene and collect sufficient evidence to justify the arrest and prosecution of the person(s) responsible for the crime, and to utilize recovered evidence in legal proceedings. An efficient and effective investigation requires that tasks be performed by the appropriate personnel to avoid duplication of effort. A systematic approach will be followed to ensure that all possible actions have been taken, and that the expertise of all investigative personnel has been utilized. Therefore, the provisions listed in this Section 301.01 will be adhered to by all officers and personnel when engaged in criminal investigations, whenever applicable and to properly document or cause to be documented, the crime being investigated.
- (4) Command at the Crime Scene. The first officer arriving at the crime scene is in command until relieved by a superior officer or upon arrival of personnel from the appropriate investigative unit. The command at the crime scene will ascend as delineated in OMS 501.01. The Crime Scene will be kept secure until

such time as all reasonable efforts to process the crime scene have been accomplished. No unauthorized personnel will be allowed to enter the crime scene unless such entry is approved by the ranking member of the investigation team. If authorized, the admitted personnel will wear the proper attire, i.e., booties, gloves, Tyvek suit and mask, etc. as appropriate. All authorized personnel will have their name, badge number, and assignment recorded by the crime scene scribe on the "crime Scene Log" prior to entering the inner perimeter. Evidence contamination is a significant concern with regard to the processing of a crime scene; therefore, it is imperative that officers who touch the suspect do not conduct crime scene examinations. Furthermore, when more than one crime scene exists, i.e., multiple locations, suspect/victim vehicle, business, home, etc. that these crime scenes are not processed without first putting on the appropriate apparel, i.e., booties, gloves, Tyvek suit and mask, etc. Due to the fragile nature of evidence, it is paramount that no crime scene viewings be conducted until all possible evidence has been marked and a strict crime scene walking path has been established.

- (5) If there is the chance for the recovery of fingerprints or other physical evidence, the Crime Lab will be called regardless of the case being investigated. If no warrant issues exist, the crime scene will be processed by the Crime Lab personnel. If a warrant has not been obtained and the Crime Scene Detective believes one should be obtained before entering a crime scene, a Crime Laboratory Supervisor will be contacted.
- (6) General Occurrence reports on serious crimes which the investigating officer or his/her supervisor believe should have immediate follow-up or investigation, or which involves a prominent figure, or is likely to receive media attention will be routed without delay to the appropriate investigative unit after being approved by a supervisor. In addition, General Occurrence reports on the following serious crimes shall be immediately routed by Records Bureau personnel after the report is approved by a supervisor:
 - a. Assault to a Police Officer if the officer requires hospitalization.
 - b. Assaults in which the victim is in danger of dying.
 - c. Kidnappings, hostage situations, or barricaded suspects.
 - d. All homicides or suicides.
 - e. Robberies in which the victim is seriously injured or shots are fired.
 - f. All sexual assault reports.
 - g. Burglaries or thefts in which the loss exceeds \$20,000, there is a substantial loss of narcotics or dangerous drugs, or there is a loss of toxic, radioactive, or dangerous material, including motor vehicles containing such material.
 - h. Confidence fraud games such as Bank Examiner's Swindle, Pigeon Drop, Jamaican Switch, or Gypsy Swindle.
- (7) Officers discovering a suspicious death or suicide shall assume that the death is criminal in nature and notify the Homicide Unit. They shall investigate all deaths, when there are reasonable grounds to suspect that the death was not due to natural causes. In the case of suspicious death, the dispatcher shall be notified at once.
- (8) In cases where the victim is dead or in serious condition as the result of gross negligence or the commission of a felony or serious misdemeanor, the ranking member at a crime scene shall arrange for material or essential witnesses to be transported to headquarters for interviews. Material or essential witnesses are those persons who have information relevant to substantial matters and are believed to be indispensable to the investigation.
 - a. In the event these witnesses refuse to cooperate, officers should consult with a supervisor of the bureau or division responsible for the investigation or, in his/her absence, a supervisor in their own chain of command.
 - b. Colorado has no material witness statutes. Therefore, this is primarily a matter of using diplomacy to encourage the witness to cooperate. Short of a subpoena, we may not force a witness to appear at headquarters or submit to an interview.
- (9) The Ranking Member, (as defined by 501.01) at the crime scene of a serious crime shall exclude from the crime scene area all unauthorized persons and those who are not actually engaged in its investigation. Members of the Department who are off-duty or on-duty, but not assigned to the case investigation, shall not enter the crime scene or do anything that may interfere with the investigation. They further shall not alter physical evidence in any respect, provided, however, that the ranking member may assign such personnel to immediate duty, when necessary. Only with the permission of the ranking member of the investigation team, can persons not engaged in documentation process be allowed into an active crime scene. Section 301.01, (2)f will be complied with as it pertains to the

wearing of the proper safety apparel and being recorded on the "Crime Scene Log."

The Ranking member at the crime scene shall ensure the following:

- a. It is understood that the process of securing a crime scene requires that the area be searched for victims, witnesses, and suspects. This process shall be accomplished with crime scene integrity and evidence protection in mind. Once this initial procedure has been completed, the crime scene must be evacuated and secured for processing.
- b. The crime scene, as best as practical, will be maintained in the condition in which it was found at the time of the first responding officer's arrival. Nothing will be moved, changed, or altered to ensure the accuracy of video and/or still photography documentation.
- c. Once crime scene security has been established, any first responder(s) entering an active crime scene will be protected, as a minimum, by wearing nitrile gloves, which shall be made available through the Crime Laboratory Detectives. Additional levels of personal protection equipment may be required with more critical scenes, such as those involving large amounts of blood, hazardous materials, and/or fragile evidence.
- d. Any person(s) entering a Major Crime Scene (as defined in OMS 301.03) will be provided with instructions on the responsibilities while in the crime scene and documented as having entered and received these instructions by way of notation on the "Crime Scene Log."
 1. Any major crime scene will have the critical perimeter secured by way of RED crime scene tape. Members of the Major Crime Division and Crime Laboratory have this tape available for use. This RED line will exclude from this critical portion of the crime scene, all but the personnel necessary for processing the crime scene.
 2. The "Inner Perimeter" designation will require all who enter to wear safety apparel as may be dictated by the type of crime scene and the ranking member of the appropriate investigative unit. Investigative personnel responsible for processing the crime scene complete an investigative report; every other person who enters the inner perimeter will be required to complete a written statement detailing their actions while at the crime scene.
 3. All other crime scene perimeter areas will be secured with YELLOW crime scene tape.
- e. The first responding officers will document, by way of observation and note taking, any item(s) disturbed, moved or destroyed as a result of the emergency response to the crime scene. These notes and observations will be reduced to writing in the officer's statement and forwarded to the investigating detective prior to going off-duty.
- f. All crime scenes will be examined and processed using standard investigative protocol; maintaining crime scene integrity. Serious crimes, including but not limited to; death investigations, officer involved incidents, sex crimes investigations, serious aggravated assault investigations, and catastrophic incidents, where several officers may be involved, will have a "Crime Scene Log" scribe assigned at the crime scene entrance (outer perimeter), to document all those present in the crime scene. Upon completion, this log will be forwarded to the investigating detective assigned to the case.
- g. Evidence in a crime scene may not be immediately identified. It is important that nothing be touched until laboratory detectives/personnel have made a thorough search for evidence, including, but not limited to: fingerprints; blood; other body fluids; hairs; fibers; substance; article; or other trace material requiring scientific examination. In situations where inclement weather, natural disaster or other situation exists that may endanger evidence at the crime scene, all reasonable efforts will be made to maintain the evidence in the condition that it was found. Should these efforts prove ineffective, the evidence will be immediately collected and secured. Should a safety hazard exist, follow the procedure outline in (i) below. In any situation where evidence required movement or restaging prior to documentation, the collecting officer will note the current location and condition of the evidence prior to collecting. In addition, the collecting officer will place the evidence in the Property Bureau to limit and maintain the chain of custody. The officer who moved or changed the condition of the evidence will denote this activity in their written statement.
- h. Anything found in or near the crime scene, or on a suspect, which would require scientific analysis to be used as evidence, shall be taken to the Property Bureau or Crime Scene Mobile Crime Laboratory and properly packaged for later examination by the Crime Laboratory. Crime Scene evidence will be collected in accordance with OMS 106.07.
- i. Many crime scenes, such as domestic violence, minor assault, and burglary investigations, are processed and documented by the responding patrol officer. When the Crime Laboratory is

called to a crime scene, that crime scene will be documented by Crime Laboratory personnel.

- j. The Ranking Member at a crime scene where dangerous drugs, drug manufacturing equipment, explosives, or any other dangerous or hazardous material is present or suspected, will contact the appropriate qualified experts to assist with crime scene processing and evidence collection.
 - k. All reasonable effort will be made to maintain the crime scene and included evidence in its condition at the time of discovery; however, when the ranking member does not have complete control of a crime scene and a weapon (e.g., firearm, knife or bludgeon) poses a hazard to the safety of the officer or others, the weapon can be collected and secured. The officer who recovers this or any evidence will place the evidence into the Property Bureau to maintain and limit the chain of custody.
 - l. Unless directed by the ranking member at the crime scene, officers will not take photographs when the Crime Laboratory is available to photographically document the crime scene. When officers, other than Crime Laboratory detectives, photograph any portion of the crime scene or in any way document evidence, these photographs and documentation records will be immediately turned over to the detective assigned to the investigation for inclusion into the case file.
 - m. In accordance with OMS 106.08, officers shall not take photographs for personal use at a crime scene.
- (10) The decision to hold or release the crime scene will be made by the Investigating Bureau Commander in concurrence with Crime Laboratory Director or their respective designee. If the decision is that the crime scene is to remain secured; the respective District Patrol supervisor will be advised and officers will be posted at the crime scene until processing of the crime scene is completed.
- (11) Only the Commander of the Major Crimes Division will authorize the release of a crime scene related to any officer involved incident where death or gravely serious injury has occurred.

301.02 Interview/Interrogation of Suspects and/or Witnesses

(1) CUSTODIAL INTERROGATIONS:

When officers question a suspect in custody they will advise the person of his or her constitutional rights as delineated on Advisement Form (DPD 369), preferably doing so in writing. If the form is unavailable and it is impractical to obtain one, officers will verbally provide the advisement. See OMS 302.10.

(2) MANDATORY AUDIO/VISUAL RECORDINGS – CRS §16-3-601:

- a. Class 1 or 2 felony or felony sexual assault custodial interrogations within a permanent detention facility must be electronically recorded (audio/visual). A permanent detention facility is defined as:

Any building, structure, or place where persons are or may lawfully be held in custody or confinement under the jurisdiction of the State of Colorado or any political subdivision of the State of Colorado, including a building housing the offices of a law enforcement agency. "Permanent detention facility" does not include a vehicle, trailer, mobile office, or temporary structure.

- b. Exceptions include:
 - The suspect requests that the interrogation not be recorded and the request is electronically recorded and/or in writing.
 - The recording equipment fails or is unavailable, either through damage or extraordinary circumstances.
 - The interrogation takes place outside of Colorado.

(3) STATEMENTS:

Courts recognizes the admissibility of any voluntary statement made by a suspect following a proper advisement of their constitutional rights. To ensure proper documentation, officers should record all statements and admissions made by suspects. Officers can record statements and admissions in the following ways.

- a. The subject can write his or her own statement
- b. The officer can write the statement for the subject.
- c. The officer can record the statement with audio technology.

d. The officer can record the statement with video technology.

(4) LIMITATIONS ON VIEWING INTERVIEWS:

To ensure the integrity of the criminal investigative process, no personnel, other than those actively involved in an on-going investigation, or those authorized by the respective commander, will observe, either in person or by electronic means, the interview of any victim, suspect, or witness.

301.03 Major Crime Event Investigations

- (1) General information: major crime events are those which involve a large number of resources; attract intense media attention; impact the department or its personnel; or cause or may cause great public outcry.
- (2) Events within this section shall include, but are not limited to the following:
 - a. Kidnapping (18 and over)
 - b. Child abduction (under 18)
 - c. Missing children
 - d. Missing persons where foul play may be suspected
 - e. Disaster, which is part of the investigative responsibility assigned to the Crimes Against Persons Bureau
 1. Major industrial accidents
 2. Massive crime scenes regardless of the criminal event
 3. Multiple case investigations
- (3) Officers who are dispatched to, or discover any situation fitting any single criterion will evaluate the incident as quickly as possible. Appropriate medical aid and assistance shall be provided immediately. If a suspect is at the scene and if probable cause exists, the officer shall make an arrest, processing the subject according to OMS 104.04. If probable cause is lacking, a detective or detective supervisor from the appropriate investigative unit should be consulted prior to the subject's release from the scene. Once completed, the officer shall request, through the dispatcher, the resources necessary to secure the crime scene, interview witnesses, protect evidence and/or further the investigation.
 - a. Crime scene management shall follow the procedures outlined in OMS 301.01
 - b. Officers shall conduct the investigation using appropriate investigative procedures.
 - c. Notifications through Denver 911 shall follow the procedure outlined in OMS 301.15.
- (4) The dispatch supervisor shall notify the appropriate Division Commander or designee, who will evaluate the situation and direct the appropriate investigative response. The commander or designee may request the assistance of any department resource, or those of an outside agency. These resources may include, but are not limited to.
 - a. Tactical response
 - b. K-9 assistance
 - c. Fire department
 - d. Public works
 - e. Public service
 - f. Underwater search and rescue
 - g. Specialized search animals
 - h. Outside forensic scientists
 - i. FBI or other federal agency
- (5) Investigative protocol shall follow standard practice. Notifications through the Communications Bureau will follow the procedure outlined in OMS 301.15.
- (6) In cases where death has occurred, evidence exists that indicates death is apparent, or the probability of death is high, the Homicide Unit shall have the primary investigative responsibility.
- (7) Other cases may be assigned at the discretion of Division Commanders or their designee.
- (8) All reports, statements or other documents shall be processed in accordance with standard investigative practice.
- (9) Questions regarding any other procedures to follow shall be directed to a member of the Major Crimes Division.

301.05 School Violence Notifications, Investigations and Follow-up Procedures

- (1) The purpose of this section is to define the duties and expectations of members of the Department as it pertains to timely notifications and prompt investigations of incidents, or threatened incidents of violence associated with any schools in the City and County of Denver. The goal of the section is to ensure that appropriate action is taken to prevent violence and to make certain that the proper command and investigative notifications occur. The incidents described below may occur on or off school grounds; however, there must be a nexus between the incidents being investigated and a public or private school within the City and County of Denver.
- (2) Duties and responsibilities
 - a. All Department members
 1. Whenever any member of the Department receives information or becomes aware of any of the following types of incidents, **in addition to** the appropriate response to the situation, as delineated in other sections of the Operations Manual or appropriate Directives, **the member will also** make prompt notification to the School Violence Detective (SVD). The SVD is assigned to the Intelligence Unit in the Investigative Support Division and can be contacted on a 24-hour basis through a Denver 911 supervisor.
 2. In addition, if any of the below listed incident types have a gang nexus, the member will also provide timely notification to the Gang Unit.
 3. Incidents of concern related to school include:
 - a. Any assault that:
 1. Results in serious bodily injury; or,
 2. Is a misdemeanor assault requiring the completion of a GO report (this would exclude incident that are handled via a JV summons)
 3. Is indicative of a pattern of violent behavior
 - b. Threats to injure persons or damage property
 - c. Large fights
 - d. Robberies
 - e. Weapons violations; including possession on school grounds or the threatened use of weapons against anyone
 - f. Sexual assaults or child enticement
 - g. Bomb threats or arson (ensure immediate notification to the Bomb Unit as well)
 - h. Major evacuations or lockdowns
 - i. Aggravated cruelty to animals
 - j. Missing persons
 - k. Any incident or event likely to generate media coverage
 - b. School Violence Detective (SVD)
 1. The School Violence Detective (SVD) is assigned to the Intelligence Unit. The SVD is assigned to serve as the liaison between the Denver Police Department, Denver Public Schools, and any other private schools / institutions of higher learning. The SVD is tasked with forecasting, detecting, and preventing acts of violence. While the SVD can assist on criminal investigations, this detective's primary duty is to coordinate with the investigative resources, command personnel, and school security, in addition to making timely notifications.
 2. Upon receiving notification of the above listed incidents, the SVD will determine if the incident is ongoing and if there is an immediate threat to anyone; if so, the SVD will respond to assist. In addition, the SVD will ensure that immediate notifications are made to:
 - a. The appropriate investigative bureau or unit
 - b. The Chief of Police, Deputy Chief of Operations, Commanders of the Major Crimes, Special Operations and Investigative Support Divisions and the affected District Commanders by the most expeditious means possible (for the purpose of this section email is not considered expeditious).
 - c. Any other Bureau or Unit as dictated by the situation

- d. DPS security, or any other appropriate school security officials
- 3. If the incident does not necessitate an immediate response, the SVD will coordinate with the investigative unit responsible for that type of incident. Information relative to the situation will be provided to the Commanders of the Major Crimes, Special Operations and Investigative Support Divisions, the affected District Commanders and, if appropriate, the affected High School Resource Officer (HSRO).
- 4. If the incident does not rise to the level that will result in a criminal investigation, but is still a potential safety concern, the SVD will coordinate with the supervisor of the Intelligence Unit for the most appropriate follow-up and notifications.
- 5. When requested, the SVD will meet and coordinate with Denver Public Schools on threat assessments, interviews and follow-up of students who may be a risk to themselves or others.
- 6. The SVD will follow-up on students or suspects who may pose a threat in the future on a periodic basis and will document this follow-up activity.
- c. Investigation Units
 - 1. It is the responsibility of each investigative unit within the Patrol Districts or investigative Division to keep the SVD apprised of the progress and outcome of all investigations that fall within the purpose of this section.
 - 2. The unit may request the assistance of the SVD on a case, but the unit will retain primary responsibility for completion of the investigation.
- d. District Commanders
 - 1. It is the responsibility of each involved District Commander, or their designee, to notify the appropriate school administrator(s) of any serious incident at the earliest possible time. If prudent, the District Commander(s) will provide all necessary police services and police personnel to conduct extra patrols and foot patrols at the beginning of the next school session and ensure that all students and school personnel are safe from possible retaliatory acts. These preventive measures will occur for as long as necessary.
 - 2. The District Commander will make certain that the HSRO knows of the incident prior to the start of school, when appropriate.
 - 3. The District Commander will coordinate activities with DPS Security, or any other appropriate school security officials.
- e. Gang Bureau
 - 1. If the incident is gang related/motivated, the commanding officer of the Gang Bureau will coordinate activities with the District Commander(s) and ensure that Gang Bureau personnel / resources are available, if necessary or requested, at the start of the next school session.

301.06 Third Degree Burglary Investigation (Reference C.R.S. §18-4-204) (REV. 03-2013)

- (1) A person commits third degree burglary if with intent to commit a crime he/she enters or breaks into any vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment whether of not coin operated. Third degree burglary is a class 5 felony, but is a class 4 felony if it is a burglary, the objective of which is the theft of a controlled substance, as defined in section 18-18-102(5), lawfully kept in or upon the property burglarized.
- (2) The Crime Lab should be notified if the possibility of fingerprints exists. If an arrest is made or is imminent, photographs should be taken of the apparatus/equipment broken into.

301.07 Deleted

301.08 Telephone Crimes (REV. 03-2013)

- (1) For the purpose of this section, the following definitions apply:
 - a. Obscene: A patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions. See C.R.S. §18-9-111 (1.5) for reference.

- b. Telephone harassment: Communication with a person, anonymously or otherwise by telephone or telephone network, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, or suggestion, or proposal by telephone that is obscene; or makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or makes repeated communications at inconvenient hours that invade the privacy or another and interferes in the use and enjoyment of another's home or private residence or other private property; or repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response. See C.R.S. §18-9-111 (e), (f), (g) and (h) for reference.
- (2) If the suspect is known and can be identified, the dispatcher will send a car to handle the complaint via completion of a GSS&C Warrant, DPD 236. See OMS 104.07. In most telephone crime cases, the Denver Revised Municipal Code of 38-91 – Disturbance by use of telephone can be charged.
 - (3) A police officer will be dispatched if the suspect is not known but:
 - a. The victim is subjected to a bomb threat; or
 - b. The victim is a Public Official; or
 - c. The victim is in an imminent life-threatening situation or other criminal action is threatened; or
 - d. The caller makes any comment, request, suggestion, or proposal by telephone which is obscene and the complainant has trapped the call using *57.
 - e. If the victim has received five (5) or more harassing telephone calls which have been successfully trapped by use of *57, enabling the probable identification of the call, an officer will be sent to complete a General Occurrence (GO) report.
 - (4) This section does not apply to intimidation of a witness or victim, which is a felony under C.R.S. §18-8-704

301.09 Deleted

301.10 Deleted

301.11 Bicycles taken in Burglaries or Thefts (REV. 03-2013)

- (1) Whenever a bicycle is taken in a burglary or theft, officers shall include a serial number of the bicycle, if known by the complainant, and a detailed description of the stolen bicycle.
- (2) All information relative to the bicycle's description will assist the assigned detective in any future recovery of the stolen bicycle.
- (3) Reports of bicycle thefts without suspects may be completed on-line by the victim. The internet based reporting system is on the Denver Police Department's Home Page located within the main denvergov.org website. If the bicycle is stolen during the commission of another crime, such as robbery or burglary, an officer must be sent to make an investigation and complete a report.

301.12 Theft - Shoplifting and/or Price Switching (REV. 03-2013)

- (1) Violations under \$500.00
 - a. Shoplifting/Price Switching violations under \$500.00 will be handled using the appropriate City Ordinance. Violations of City Ordinance Sections 38-51.5, Shoplifting, and 38-51.7, Price Switching, apply only to the theft of items displayed or in any manner offered for sale, including theft of meals or gasoline.
 - b. If a suspect is arrested and the total retail value of the merchandise is under \$500.00, the suspect shall be charged by the arresting officer with 38-51.5, Shoplifting, or 38-51.7, Price Switching, on the General Session Summons and Complaint (GSS&C). Do not charge the suspect with "Investigation."
 - 1. The arresting officer will provide complete details of the offense and all other pertinent information, such as names and addresses of any witnesses, on the reverse side of the GSS&C.
 - 2. A sales representative, buyer or any other person familiar with the value of the article(s) taken must be endorsed as one of the witnesses.
 - c. The suspect is to be ordered in if the suspect:

1. Has adequate, positive identification with a good photograph.
 2. Is not a transient.
 3. Has no pending wants or warrants.
 4. Has no other charges resulting from this incident which require jailing.
 5. Gives the officer no reason to believe that he/she will not appear in court.
 6. Is not known to the officer to be a habitual shoplifter.
 - d. If the suspect is ordered in, a Street Check will also be completed.
 - e. If the above criteria are not met, the suspect shall be jailed. If the suspect is jailed, in most cases the "Jail, Bond Not Required" box shall be checked on the GSS&C. When a bond is not required, the suspect will be released after processing.
 - f. The victim (merchant) may retain or dispose of the item(s) involved in the theft if the procedure below is followed.
 1. The reporting officer will take two digital photographs of the item(s) involved in the theft. When possible, the suspect will be included in the photographs, but must first give his/her permission to be photographed.
 2. Digital photographs of the item(s) involved taken by the merchant can be used in place of photos taken by the reporting officer. When possible, the suspect will be included in the photographs, but must first give his/her permission to be photographed.
 3. The names of witnesses who can testify to the details of the photographs shall be endorsed on the GSS&C.
 4. A Statement, DPD 366, will be completed by each eyewitness and the victim. The statement will include this information:
 - a. The name, address and telephone number of the person taking the photographs.
 - b. The full name (legal corporation name), address and telephone number of the victim.
 - c. The retail price as shown on the price tag of each item stolen.
 5. The photographic disk and statements will be placed inside the Document Pack for Municipal Cases, DPD 504, envelope, which then will be stapled to the City Attorney's copy of the GSS&C.
 - g. When a suspect in a theft under \$500.00 is known and the identity has been verified, but the suspect is not at the scene, a GSS&C Warrant, DPD 236, shall be completed and processed as in OMS 104.07.
 - h. Gas Drive-Offs will be handled via counter report in accordance with OMS 102.05 (18).
- (2) Violations of \$500.00 to \$1,000.00
- a. Shoplifting/Price Switching violations between \$500.00 to \$1,000.00 will be handled using State Statutes.
 1. Complete a General Occurrence (GO) report listing the name of the store as the victim, such as Target, Macy's, etc., and state the store's address.
 2. List all items taken in detail and state the retail value of each.
 3. Statements from all parties involved must be taken by the reporting officer.
 4. Witnesses to be endorsed must include the store's buyer.
 5. Reporting officer must complete a statement detailing observations and investigative action taken.
 6. The case will be presented to the District Attorney Intake Deputy by the assigned detective to determine the appropriate criminal charge(s).
 - b. Two photographs of the evidence are acceptable for court in all misdemeanor case filings. Photographs must be in color and placed in evidence. All perishable items must be photographed by the reporting officer or Crime Lab.
 - c. If a suspect is arrested and the total value of the merchandise taken is \$500.00 or more but less than \$1,000.00, the officer will charge the suspect with "Investigation of Theft (Misdemeanor)" on a GSS&C and complete a Misdemeanor Processing Form.
- (3) Violations of Over \$1,000.00

- a. Prepare a General Occurrence (GO) report, showing the name of the store as the victim, such as Target, Macy's, etc., and list the store's address.
- b. The arresting officer will charge the suspect with "Investigation of Theft (Felony)" on a GSS&C and complete a Felony Processing Form.
- c. If a suspect is arrested for Felony Theft and has been convicted of Felony Theft from a store twice or more in the preceding four years, he/she is to be processed for mandatory sentencing by the assigned detective. The detective will charge the suspect under C.R.S. §18-4-401. The District Attorney Intake Deputy is to be notified of the previous convictions at the time the case is presented for acceptance.

(4) Juvenile Shoplifting Offenders

- a. Misdemeanor Violations (Under \$1,000.00)
 1. If a juvenile suspect meets the criteria outlined in OMS 402.07(2) and (3), and has been cleared through the Denver 911 Clearance Channel, the arresting officer may order the juvenile directly into court, using the Juvenile Summons and Complaint.
 2. If the juvenile suspect, for whatever reason, does not meet the criteria in OMS 402.07(2), a General Occurrence report, and Juvenile Case Summary will be completed and the suspect will be transported to the district investigative unit for the district in which the offense occurred. . If after hours, process through the Juvenile Intake Bureau.
 3. The evidence in misdemeanor shoplifting arrests will be handled as described in OMS 301.12 (1)f.
- b. Felony Violations (\$1,000.00 and Over)
 1. The arresting officer will complete a General Offense report, DPD 250, Juvenile Case Summary and take statements from all involved witnesses.
 2. Evidence seized in felony shoplifting arrests will be taken to the Property Management Bureau .
 3. Juveniles arrested for felony shoplifting must be transported to the district investigative unit for the district in which the offense occurred. If after hours, process through Juvenile Intake.

301.13 In-Custody Incident Investigations (Revised 11-2011)

(1) General Procedures

- a. Definitions
 1. Law Enforcement Officer
 - a. Any peace officer described in accordance with C.R.S. 16-2.5-101, and certified by the peace officer standards and training board (P.O.S.T.). This will include non-certified deputy sheriffs described in C.R.S. 16-2.5-103 (2).
 - b. For purposes of this section, 'federal law enforcement officer' means persons employed as full-time law enforcement officers by the federal government authorized to carry firearms while performing their duties and make forcible arrests when necessary.
 2. Law Enforcement Custody
 - a. Law Enforcement custody includes all care, custody, or control circumstances where law enforcement is present. This will include, but is not limited to incidents where the individual is restrained or not, police related vehicle pursuits resulting in injury or death, and suicides occurring in the officers' presence or while the law enforcement officer controls the incident.
 3. Critical Incident
 - a. An incident in which an officer has contact or attempt contact with a subject, or an incident occurring in the officers' presence, where the subject suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action.
 - b. When a person is in the custody of law enforcement in the City and County of Denver suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action officers shall immediately notify Denver

911. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. Denver 911 records all telephone and radio transmissions for later use in an investigation. The dispatcher will notify the following person(s) as required:

1. Ambulance
 2. Sufficient patrol coverage
 3. The on-duty Command Officer for the District of occurrence.
 4. The on-duty Homicide and/or General Assignment Detectives.
 5. The on-call Police Shoot Team.
 - a. Major Crimes Section Command Officer
 - b. Homicide Unit Supervisor
 - c. Primary and Secondary Homicide Investigators
 6. The Crime Laboratory.
 7. The on-call District Attorney.
 8. The Commander of the Major Crimes Division.
 9. The Deputy Chief of Operations.
 10. The Commander of the Internal Affairs Bureau.
 11. The Public Information Officer.
 12. The Chief of Police.
 13. The Manager of Safety.
 14. The involved officer's Commander. If the officer has been injured or killed, this Commander is responsible for notification of the officer's family.
 15. The Coroner's Office, in any case where death occurs.
- c. Immediate measures to employ when caring for the unconscious person in custody include:
1. Administer appropriate first aid.
 2. Remove the person to a hospital if the possibility of life exists.
 3. An officer shall accompany the person to the hospital. This officer shall take note of any statement made, take possession of clothing or other evidence, and protect personal property.
 4. Place a hold order if the person is a suspect and notify the Denver Sheriff's Department.
 5. Should the person die, follow the additional procedures outlined in OMS 301.14(8).
- d. The ranking officer at the scene is immediately responsible for crime scene protection. The responsibilities include but are not limited to:
1. Protecting the crime scene using appropriate methods.
 2. Determining what occurred through observations and officer and civilian witness statements.
 3. Ask general questions of the involved officer(s) limited to those necessary to locate and secure witnesses, evidence or the crime scene. The Commander of the Major Crimes Division or designee will determine the need for formal statements from any officer or witness.
 4. Provide the Denver 911 dispatcher and responding detectives with all available information.
 5. Assist and follow the directives of the ranking officer of the Major Crimes Division in compliance with Duties & Responsibilities section 13.12.
 6. Prepare an After Action report, DPD 286, sending a copy to the Homicide Unit. Attach a copy of the personnel detail(s) for all districts and other units covering the scene or assisting with the investigation.
 7. Ensure the completion of a Use of Force Report, DPD 12.
 - a. Use the front of the form to report the appropriate information. The narrative shall detail the incident.
 - b. Attach a copy of the After Action report, DPD 286, to the Use of Force report,

DPD 12. Forward the original Use of Force report, DPD 12, to the Internal Affairs Bureau, with one copy to the Bureau/District Commander, the Commander of the Major Crimes Division, and one copy to the Commander of the involved officer(s).

8. Ensure that all officers who respond to the scene or assist in any way submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.
- e. In custody incident investigations shall follow the procedures outlined for officer involved shootings, OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.
- f. In all situations where the subject attempts suicide while in custody, whether transported to a medical facility or not, responding officers shall notify a Homicide Unit supervisor.
- g. Homicide investigators shall respond to all scenes of attempt suicide where paramedics, emergency service personnel, or anyone else transports the subject to a hospital, or where the injury sustained by the subject is potentially life threatening.
- h. Direct all questions regarding any of the procedures to follow to a member of the Homicide Unit.

301.14 Investigations where Death Occurs

(1) General Information

- a. At the scene of a fatal traffic accident the traffic investigator is authorized to direct the removal of a body or bodies from the scene by DHMC ambulance or other city contracted ambulance services, prior to arrival of the Coroner or Coroner Investigator, where it is apparent the cause of death resulted from an automobile accident. When evidence at the scene of the traffic fatality indicates foul play or that the cause of death resulted by some other agent, (exception: apparent heart attack) officers will notify the Homicide Unit Supervisor.
- b. Officers will notify the Coroner's Officer when handling any call or scene where they find bodies. See OMS 301.14(9) for procedures to call out the Coroner or Coroner Investigator.
- c. Officers shall not inventory the personal property on the body found at any scene or search the body for any reason. This is the responsibility of the Coroner or Coroner Investigator, and officers shall await their arrival. The officer must proceed immediately to the Coroner's Office to obtain from the Coroner or Coroner Investigator a list of the effects and any other data, such as to identification, money, jewelry, and personal effects
- d. Under normal conditions at a traffic fatality, victims pronounced DOA by the ambulance attendant at the scene, will remain at the scene unless officers obtain prior permission from the Coroner or Coroner Investigator. However, conditions may exist where the body is in public view, which would make it necessary to expedite the removal. Under no circumstances will officers move or have moved the body of the victim of any crime or suspected crime of violence without first consulting the Coroner and a Homicide Unit Supervisor.
- e. With respect to traffic fatalities, the commanding officer at the scene from the district or bureau responsible for the investigation shall have the authority to order such emergency removal of a body, when in their opinion the health and safety of the public or an officer is in jeopardy.
 1. The commanding officer shall immediately notify the Coroner's Office of their action.
 2. Adequate precautions must be taken to protect evidence at the scene, i.e., point of impact, position of victim, and/or other evidence.
 3. When practical and possible, officers at the scene should draw an outline of the body's position with a crayon or chalk before removal.
 4. Officers will consult the Coroner and the Homicide Unit Supervisor when requesting the removal of any victim not associated with a traffic fatality.
- f. When officers locate deceased persons in places other than streets, officers shall endeavor to have some relative, or other person present as a witness at all times for their own protection against any false accusations, which may arise later providing that such attendance does not interfere with the normal investigative process.

(2) Homicide

- a. Follow general investigation procedures as listed:
 1. Call for necessary assistance, such as an ambulance, the Coroner or Coroner Investigator, an investigator from the Homicide Unit or Crime Lab personnel.

2. Make a General Occurrence Report, Sick and Injured Report, DPD 150, and other reports that are necessary.
- (3) Suicide
- a. Same procedure used in homicide investigations and shall include the following:
 1. Officers will treat suicide notes, if any, as evidence. Investigating officers at the scene should not touch the notes. Compliance with this condition allows the Crime Lab personnel at the scene to process them. If, for any reason, they are touched inadvertently or moved to protect them from destruction, officers will place notes or suspected notes into the Property Section as evidence (See OMS 106.03). Officers will under no circumstances attach the notes to the General Occurrence Report, nor include the contents of the notes in the body of the report.
 2. When investigating officers cannot obtain the note or letter for any reason they will:
 - a. Include the reason(s) for not recovering the note in their statements
 - b. Relate the contents of any note to the investigating detectives, OR
 - c. In the absence of any covering detectives, officers will write the contents of any note on an Inter-Departmental Correspondence, DPD 200, and forward it in a sealed envelope to the Homicide Unit.
 3. In cases where there is any doubt regarding notes or other written documents pertaining to the matter under investigation, officers will handle such documents as legal evidence.
 - b. Officers will adhere to these procedures in instances of attempted suicide:
 1. Make a General Occurrence Report, and a Sick and Injured Report, DPD 150, listing the person who attempted suicide as the "victim."
 2. Officers will make an Emergency Mental Illness Report, DPD 340, and have the victim taken to Denver Health Medical Center for evaluation and/or treatment. See OMS 104.30.
 3. Officers will not list the person attempting suicide as the suspect, nor will they be placed into the Denver Sheriff's Detention Center for "attempted suicide" only.
 4. If the person who attempted suicide committed any other criminal act that requires jailing, officers will make a General Occurrence Report, detailing both the Attempt Suicide and the criminal offense.
 5. If there are any questions regarding the procedure to follow on an individual case basis, officers will contact a member of the Homicide Unit for advice.
- (4) Accidental Deaths
- a. For traffic deaths, see Traffic Procedures, Series 200.00.
 - b. In cases of death caused by fire, industrial accident or drowning, and all other incidents involving a death or serious injury where death might result:
 1. Upon arrival at the scene of a death, other than a death by natural causes, the investigating officers shall immediately notify the dispatcher who shall notify the Homicide Unit.
 2. The ranking officer from the Major Crimes Division present at the scene shall be in complete charge regardless of the rank of the officers present from other divisions or agencies.
 3. If there is any question regarding the notification, officers will contact the Homicide Unit for their decision to respond or not.
 4. Complete all required reports: General Occurrence Report, (offense title will be either known or unknown dead if a death occurs or Non Traffic Accident if serious injury occurs), and Sick and Injured Report, DPD 150.
- (5) Sudden Infant Death Syndrome (SIDS)
- a. Upon notification/determination of an infant/child's death, officers will respond to the treating medical facility to interview the attending physician regarding the circumstances of death.
 1. If the child's death appears to be under suspicious circumstances or evidence of abuse, neglect, or mistreatment is apparent, the following procedures will apply:
 - a. Follow general investigation procedures as listed.

- b. Call for necessary assistance, i.e. Coroner or Coroner Investigator, an investigator from the Homicide Unit and Crime Laboratory personnel.
 - c. Ensure the security of the scene for-processing in accordance with current investigative standards. Identify all potential witnesses (parents, siblings, childcare providers, medical personnel, and doctors). Ensure that each completes a written Statement, DPD 366.
 - 2. In all instances of a child's death, the following procedure will apply:
 - a. Complete a General Occurrence Report, Sick and Injured Report, DPD 150, and any other reports pertinent to that particular investigation.
 - b. Officers will investigate calls relating to a child not breathing in the following manner:
 - 1. Officers will determine the location of the child and respond to the scene or, if transported, to the care facility. Officers will determine a prognosis from the treating physician/paramedic. Should an unfavorable prognosis for the child exist, notify the Homicide Unit immediately of the situation. The investigating officer shall also inform their supervisor. Officers will secure the transport vehicle, if other than an ambulance, as well as the original crime scene, until a Homicide Unit Supervisor makes a determination as to the level of their response.
- (6) Under normal conditions at the scene of a suspected natural death, paramedics or ambulance attendants will not remove victims pronounced dead from the scene without prior permission from the Coroner or Coroner's Investigator. However, conditions may exist where the body is in public view, which would make it necessary to expedite the removal. Under no circumstances will officers move or have moved the body of the victim of any crime or suspected crime of violence without first consulting the Coroner and a Homicide Unit Supervisor.
- (7) The commanding officer at the scene of a suspected natural death from the district or bureau responsible for the investigation shall have the authority to order such emergency removal of a body, when in their opinion, the health and safety of the public or an officer is in jeopardy.
 - a. The commanding officer shall immediately notify the Coroner's Officer of their action.
 - b. Officers must take adequate precautions to protect evidence at the scene, i.e., point of impact, position of victim, and/or other evidence. See OMS 301.01, Crime Scene Procedures.
 - c. If removal of the body occurs and when practical and possible, officers at the scene should draw an outline of the body's position with a crayon or chalk before removal.
 - d. Officers will consult the Coroner and the Homicide Unit Supervisor when requesting the removal of any victim not associated with a suspected natural death.
 - e. Officers must ensure that crime scenes and evidence are not contaminated. Such contamination includes, but is not limited to:
 - 1. Covering the body.
 - 2. Moving or altering a firearm.
 - 3. Changing the position of any piece of evidence.
 - 4. Restaging evidence previously removed.
- (8) In custody death investigations (Revised 11-2011)
 - a. Definitions: refer to OMS 301.13(1)a.
 - b. When a person in the custody of law enforcement in the City and County of Denver suffers a potentially life-threatening injury or death resulting from, or in relation to, a law enforcement action, in addition to the personnel listed in OMS 301.13(1)b, the dispatcher will immediately follow Denver 911 procedures by notifying the following as required:
 - 1. Ambulance.
 - 2. Sufficient patrol coverage.
 - 3. The on-duty Command Officer for the District of occurrence.
 - 4. The on-duty Homicide and/or General Assignment Detectives.
 - 5. The on-call Police Shoot Team.
 - a. Major Crimes Section Command Officer.

- b. Homicide Unit Supervisor.
 - c. Primary and Secondary Homicide Investigators.
 - 6. The Crime Laboratory.
 - 7. The on-call District Attorney.
 - 8. The Commander of the Major Crimes Division.
 - 9. The Deputy Chief of Operations.
 - 10. The Commander of the Internal Affairs Bureau.
 - 11. The Public Information Officer.
 - 12. The Chief of Police.
 - 13. The Manager of Safety.
 - 14. The involved officer's Commander. If the officer has been injured or killed, this Commander is responsible for notification of the officer's family.
 - 15. The Coroner's Office, in any case where death occurs.
 - c. In addition to the procedures outlined in OMS 301.13(1)d, the ranking officer at the scene will have these responsibilities:
 - 1. When a death occurs, assign an officer to make a General Occurrence Report (GO), titled known or unknown dead, depending on the status of the victim's identity.
 - 2. Assign an officer to accompany the person to the hospital when transporting a victim. This officer shall note any statements made by the subject, take possession of clothing or other evidence, and protect personal property.
 - d. In custody incident investigations shall follow the procedures outlined for officer-involved shootings, OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.
 - e. Investigation of suicide and attempt suicide while in-custody.
 - 1. Suicide or attempt suicide occurring in the officers' presence or while the law enforcement officer controls the incident follow procedures outlined in OMS 105.04(5). Abbreviated procedures will occur at the discretion of the Commander of the Major Crimes Division or designee.
 - 2. Officers shall complete a General Occurrence Report (GO) as follows:
 - a. When the suicide is successful, title the report "Suicide".
 - b. When the suicide attempt is unsuccessful, title the report "Attempt Suicide".
 - c. OMS 301.14(3)a and b outlines the procedures for the investigation of suicide or attempted suicide..
 - f. Investigation of death or critical injury occurring after deployment of Less Lethal devices or munitions.
 - 1. OMS 105.03 (3) defines Less Lethal weapons
 - 2. When an officer deploys a Less Lethal device or munitions and a person suffers a potentially life-threatening injury or death results, the procedures outlined in 301.14 (8) shall apply.
 - g. The officer involved in the critical incident may have an attorney present for legal assistance. Investigators will advise the involved officer in accordance with the applicable "Officer Advisement in Critical Incidents" form. The "Miranda Warning", Internal Affairs Bureau "Garrrity Advisement," or ordered statements under City Charter C5.73-6, will generally not occur unless evidence supporting a crime or serious department rule violation exists.
 - h. Direct questions regarding any of these procedures to a Homicide Unit supervisor.
- (9) Call-Out Procedures for the Coroner
- a. When an unattended death occurs within the City and County of Denver, the Coroner is required to respond in accordance with CRS §30-10-606.
 - 1. Officers will not call the Coroner or Coroner Investigator directly to the scene without an initial scene evaluation.
 - b. Officers called to a death scene will notify the Coroner or Coroner Investigator through Denver 911.
 - c. Upon contact, the Coroner Investigator will make a preliminary telephonic death investigation to

determine jurisdiction.

1. When there is no jurisdiction, the Coroner's Office will carry the case as "Inquiry – No Scene Response" and label the case complete.
2. Detectives assigned the investigation will contact the Public Administrator to assess any family/human services needs.
- d. When Coroner jurisdiction exists, the Coroner will characterize the case as either a "waive" or a "Coroner case."
 1. A waive case may or may not require a scene response at the discretion of the Coroner or Coroner Investigator.
 2. A circumstance designated as a Coroner case will usually require a scene response by the Coroner or Coroner Investigator.
 3. The Coroner or Coroner Investigator will determine whether to respond to a scene.
- e. If specifically requested by law enforcement within the City and County of Denver, the Coroner Investigator will proceed to the scene

301.15 Notification of Major Crimes Division Personnel (Call-Out)

- (1) The Major Crimes Division is primarily staffed from 0700 to 1700 hours and from 1900 to 0300 hours daily. Specific investigative unit's start/end of shift hours vary based on staffing levels.
- (2) After normal working hours, a detective and supervisor from each unit are available on a call-out basis.
 - a. Requests to call out detectives will be made by the Patrol Division Sergeant through Denver 911. This procedure will ensure that the Patrol Sergeant is aware of serious incidents and will verify the necessity for the call-out.
 - b. It will be the responsibility of the Major Crimes Division personnel to notify the next level in their chain of command in unusual cases or if additional resources are required.
- (3) Whenever the death of a human being occurs as a result of a police action, the Commander of the Major Crimes Division will be notified. The only exception will be traffic-related deaths which are handled in accordance with OMS 203.03(2). This notification will be in addition to all other appropriate and necessary notifications.

301.16 Known Dead Offense Reports

All reports of a known dead or accidental death shall be made on a General Occurrence report.

301.17 Aggravated Assault Cases (REV. 03-2013)

- (1) Call for necessary assistance, i.e., an investigator from the appropriate investigative unit.
- (2) Due to the possibility that any serious aggravated assault may eventually become a homicide, the investigating officer and assigned detective will complete a thorough scene and follow-up investigation, which will include but not be limited to: obtain statements from all witnesses, collect all physical evidence, request forensic analysis of evidence. Coordination with Homicide Unit personnel is necessary when it is determined that the victim's condition is grave and a significant risk of death exists.

301.18 Assault/Disturbance Cases

- (1) If an officer determines that an assault, as defined by City Ordinance, has been committed, and the suspect's identity is positively established through information provided by the victim or witnesses, the officer proceed as outlined in OMS 104.07.
- (2) A General Occurrence report, will be completed only when the suspect is not known or cannot be identified.
- (3) Detectives investigating misdemeanor assault cases will have each case reviewed by a District Attorney prior to filing charges as defined in OMS 302.02.

301.19 Deleted

301.20 Deleted

301.21 Accidental Shootings & Discharge of Weapon (REV. 03-2013)

- (1) All accidental shootings or discharge of a weapon shall be reported on a General Occurrence report.
- (2) If the discharge of a weapon involves a citizen, an officer will conduct the preliminary investigation to assess whether any criminal violation transpired or if the weapon discharge was accidental/non-criminal.
- (3) If the discharge of a weapon involves an officer, the Homicide Unit will be immediately notified in order to coordinate the follow-up investigation.

301.22 Robbery Reports

- (1) General Occurrence Reports
 - a. The victim of a robbery is any person from whom anything of value is taken.
 - b. The store or business name of the robbery shall be entered as a related entity.
 - c. Should more than one person be victimized during the commission of a robbery; this constitutes a single criminal episode. Officers taking the General Occurrence report for such cases shall make only one report and include the names of all victims and witnesses.
 - d. General Occurrence reports in the following circumstances shall be promptly approved by the reporting officer's supervisor for timely routing by the Records Bureau:
 1. All business robberies.
 2. Robberies in which the victim receives serious bodily injury as a result of the robbery, or shots are fired.
 3. Robberies in which a suspect has been arrested.
 4. Robberies in which any person has been ordered-in.
 5. All robberies where the loss is in excess of \$15,000.
 6. Any robbery which is likely to become newsworthy.
 - e. The amount of loss shall not be listed on the General Occurrence report for any business robbery or robbery where the loss exceeds \$500.00. The loss in these instances will be detailed in the officer's statement.
- (2) Victims/Witnesses
 - a. Victims of a robbery who are transient or cannot provide a legitimate home address shall be ordered-in to the appropriate District Investigative Unit for the following morning at 9:00 a.m.
 - b. When a victim or witness is visiting locally and lives outside the Denver Metro Area or out of state, the reporting officer shall determine if there is a local address and/or phone number where they can be contacted. Should a local number be unavailable, officers shall obtain all contact information from the victim or witness for later contact by the detective.
 - c. Addresses and phone numbers of victims and witnesses are required on all General Occurrence. This information is confidential and not available to the public or the media.
 - d. Written statements from all victims and witnesses are required. If a statement is written, by the officer, for the victim or witness, it should be written verbatim, as told by the victim or witness. Answers to questions should also be written verbatim.
- (3) Scene Investigation
 - a. Officers shall make every effort to determine if there are any witnesses (on scene and through neighborhood survey), to the robbery event. Witnesses shall be interviewed and written statements obtained. Officers shall make every effort to obtain identifying information from witnesses who are unwilling to complete statements or submit to interview. Information related to witnesses will be sent with the investigative package to the investigating detective for later follow-up.
 - b. Officers shall attempt to locate any evidence that may be linked to a suspect at the scene or along the suspect's reported path while fleeing from the scene.
 - c. Should video surveillance cameras exist that may have recorded the robbery and there is a means to view the video tape at the scene, officers shall first remove the recording tab from the video tape before attempting to view the tape. The tape may then be viewed to determine the suspect description and if the suspect may have touched any printable surfaces. The recovering officer shall note any discrepancies between the video tape date and time and the actual time. The video tape will then be placed into the Property Bureau as evidence.

(4) Impounded/Recovered Vehicles

- a. A robbery hold will not be placed on any vehicle unless the hold is in relation to a specific robbery case.
- b. When a vehicle is impounded with a hold for robbery, a written statement detailing the circumstances of the robbery and the reasons for the hold shall be forwarded to the appropriate investigative unit. All documents prepared as a result of the hold will contain the case number of the related investigation.
- c. When a vehicle is impounded for any other reason and officers suspect that the vehicle may have been involved in a robbery (i.e.: a gun, mask, cash, etc., are found in the vehicle) a statement detailing these suspicions shall be completed and forwarded to the appropriate investigative unit. No hold for robbery shall be placed on vehicles matching this criterion without the permission of an investigative supervisor.
- d. If an unoccupied vehicle, wanted in connection with a robbery, is recovered, officers shall conduct a neighborhood survey to determine if there are witnesses who may have seen the person(s) who parked or abandoned the vehicle. This information shall be forwarded to the appropriate investigative unit in the form of a statement.

(5) Arrests

- a. When a suspect is stopped, based on a clothing description given by a victim or witness, and is subsequently arrested, the suspect's clothing must be taken and placed in the Property Bureau as evidence. If practical, photographs of the suspect should be taken prior to taking the clothing. Cameras can be obtained from District Supervisors for this purpose, or if unavailable, the Crime Lab can be requested for photographs.
- b. In addition to (5) a., when a suspect is arrested away from the scene, their clothing description, at the time of arrest, should be detailed in the officer's statement. The clothing description provided by the victim and/or witnesses at the time of the robbery will be listed on the General Occurrence report.
- c. When a show-up is conducted on the street, the victim and/or witnesses must be brought to the suspect's location. All witnesses should view the suspect separately and their comments listed in the officer's statement. Regardless of whether a suspect identification is made or not made, the fact that a show-up was conducted must be documented. The process will be documented within the involved officer's statement and shall include the name of the subject(s) presented in the show-up identification and the names of the victim(s) and witness(es) who viewed the show-up identification process.
- d. When there are multiple suspects and/or witnesses, officers must carefully interview the witnesses after the show-up in order to accurately describe which witnesses identified which suspects, and what the individual suspects' roles in the robbery were. This process will be documented as described in 301.22 (5)c.

(6) Contacting Investigative Support Personnel

- a. A supervisor assigned to the appropriate investigative unit shall be contacted, regardless of time of day, for any of the following circumstances:
 1. Any bank robbery - Contact Safe Streets Task Force supervisor.
 2. Any traveling jewelry courier robbery - contact Safe Streets Task Force supervisor.
 3. Any robbery that appears to be part of an on-going pattern.
 4. Any arrest where the suspect is believed to be involved in an on-going pattern investigation.
 5. Any robbery involving serious bodily injury to the victim.
 6. Any robbery where shots are fired, whether or not injury occurs.
 7. Any robbery involving a dollar loss in excess of \$15,000.
 8. Any "take down" or "take over" robbery (i.e., bar or club patrons are ordered to the floor and systematically robbed) - Contact Robbery Unit supervisor.
 9. Any home invasion robbery - Contact Robbery Unit supervisor.
 10. Any robbery/kidnapping.
 11. Any time that an officer feels that contacting a robbery detective is necessary.
- b. Officers having questions regarding the procedures to follow regarding a Robbery Investigation should contact the Robbery Unit supervisor or detective.

301.23 Sexual Assaults

(1) INTRODUCTION / PROTOCOL:

The Denver Police Department recognizes that law enforcement is often the first agency contacted by a sexual assault victim. The response of a patrol officer, and others, can influence a victim's cooperation during the entire investigation/adjudication process and a positive police experience can impact a victim's recovery. The Denver Police Department is committed to providing positive support throughout the investigative process. To facilitate this commitment, the Denver Police Department is a contributing member of the Sexual Assault Interagency Council, and adheres to the procedures outlined in the Denver Sexual Assault Response Protocol.

(2) THE SEX CRIMES UNIT INVESTIGATES:

- Sexual assault – stranger on stranger
- Sexual assault – domestic violence related
- Burglary sexual assault
- Unlawful sexual contact
- Indecent exposure
- Window peeping
- Child enticement
- Sex assault on a child that are not position of trust
- Police impersonation cases that are sexually motivated
- Kidnapping/attempted kidnapping of juveniles where the victim has been found
- Juvenile sexting
- Harassment, sexual in nature

(3) INITIAL RESPONSE:

- a. Determine the need for medical care and level of response.
- b. If a suspect is at the scene, and if probable cause exists, make an arrest. If sufficient probable cause is lacking, order the suspect into the Sex Crimes Unit. See section (5).
- c. If the suspect is gone and potentially in the vicinity, a description will be obtained and aired over the radio.
- d. Assess the situation and determine if a sexual assault detective needs to respond. The Sex Crimes Unit supervisor or on-call detective is available through Denver 911 twenty-four (24) hours a day. The Sex Crimes Unit supervisor will determine the need for response. Sex Crimes Unit personnel will be called in the following situations:
 1. All burglary/sexual assaults.
 2. Stranger-to-stranger, sexually-motivated child abductions. If the victim is still missing, the Missing and Exploited Persons Unit supervisor will be contacted immediately through Denver 911.
 3. All kidnappings involving victims under the age of 18 where the victim has been found.
 4. Investigations which require search warrants. Any sexual assault which occurs at a place where the offender may have proprietary interests will require a search warrant.
 5. All child enticements that just occurred.
 6. Any pattern sexual assault.
 7. Any sexual assault that results in SBI to the victim or if there is an outside scene.
 8. Any case where an officer or supervisor needs advice or assistance.
- e. If there is a crime scene, call for the Crime Scene Unit to respond. The crime scene must be preserved until their arrival. If a Sex Crimes Unit detective is responding, he/she will make notifications to the Crime Scene Unit. The Crime Scene Unit must be notified in ALL cases of burglary/sex assault.
- f. Officers and/or crime scene technicians will collect any item of evidentiary value and place them into the Evidence and Property Section for forensic analysis.
 1. Any of the victim's clothing that may contain evidence (i.e., bodily fluids, hair, fibers, touch DNA, etc.) will be placed in separate paper evidence bags to avoid cross

contamination.

2. The officer will recover any bed sheets or other articles which may contain biological and/or trace evidence consistent with the reported sexual assault. These articles should be placed in separate paper evidence bags to avoid cross contamination of potential evidence.

(4) SEX ASSAULT EXAM:

- a. Determine how recent the sexual assault was and the need for an examination. A sane exam can be done up to 10 days from the date of incident. In cases where no penetration was made, semen, DNA, and other bodily fluids may still be present and the victim should be taken to DHMC for medical examination and recovery of this evidence.
- b. The officer will explain the evidentiary value of the sexual assault exam and support the victim in completing the exam.
- c. The officer will advise the victim to take a change of clothes to the hospital. If this is not possible, the hospital has a limited supply of clothes to provide.
- d. The officer will transport or have the victim transported to DHMC. If the victim is at a hospital which does not have a Sex Assault Nurse Examiner (SANE) program, the officer will coordinate with the medical staff to arrange for transportation to a hospital that does have a SANE program or the officer will transport the victim to the appropriate hospital.
- e. The officer will advise the victim that he/she will incur no costs for the sexual assault examination. Sexual assault examinations require informed consent on the part of the victim. Medical personnel will not complete a sexual assault examination on victims who are unconscious or otherwise incapacitated (i.e., intoxicated or under the influence of a controlled substance). However, officers may still complete a General Occurrence (GO) report based on either the victim's initial outcry and/or witness accounts of a sexual assault. Under this type of scenario (i.e. reported drug facilitated sexual assault), the responding officer will sign the Laboratory Report for Sexual Assault (DPD 383), authorizing application of the sexual assault exam once the victim is in a responsive condition.
- f. Upon arrival at the hospital, the officer will notify the emergency department staff that the victim is ready for the exam, sign the Laboratory Report for Sexual Assault (DPD 383), and turn the victim over to hospital personnel.
- g. Upon completion of the exam, the hospital may contact Denver 911 and request that an officer provide transportation home. Officers providing this service will check the victim's residence to ensure their safety.
- h. Pediatric SANE Examinations:
DHMC is prepared to handle juvenile examinations. If there is a need to respond to a hospital other than DHMC, officers should ensure that a HIPPA release form (Authorization for Disclosure of Protected Health) is signed by the victim's parents or guardian so that detectives can access medical records.

(5) GENERAL OCCURRENCE REPORT AND RELATED PAPERWORK:

- a. Whenever possible, General Occurrence (GO) reports should be taken before a victim is transported to a hospital. When a report must be taken at a hospital (i.e., victim transported from scene for medical reasons or victim is reporting to the police from the hospital), the officer should conduct the interview in a private room.
- b. Officers completing a GO report will include enough elemental information in the narrative for Records Unit personnel to know what type of sexual assault is being reported. Such information will include the relationship between the suspect and the victim if known, and the specific type of sexual assault. Officers will complete a statement for inclusion in the case, detailing their preliminary investigative actions and observations.
- c. Officers will obtain a written or video statement from the victim and all witnesses.
- d. The victim's injuries noted by the officer and the full name of the examining physician, if obtainable, will be included in the GO report.
- e. Prior to approving the GO report, supervisors will ensure that the Crime Scene Unit and Sex Crimes Unit have been notified in all appropriate cases.

(6) REQUEST TO APPEAR (DPD 75):

- a. The Request to Appear (DPD 75) will be issued to a victim of a sexual assault to facilitate an interview with the assigned detective. The appointment time for the victim will be made for 9:00

a.m. If a suspect is in custody, any related Request to Appear (DPD 75) will be made for the following day. If a suspect is not in custody, all Requests to Appear should be for the next business day, excluding Sundays. If the victim is going to be in the hospital for an extended period, adjust the date and time accordingly.

- b. Sexual assault suspects, adults AND juveniles, who are not arrested will be issued a Request to Appear for 1:00 pm at the Police Administration Building.
- c. If the victim is 15 years old or younger, issue a Request to Appear to the Denver Children's Advocacy Center (DCAC) – Form 140.

(7) VICTIM INTERVIEW AND SERVICES PROVIDED:

Sexual assault victims experience a number of fears and anxieties as a result of being victimized, and these concerns must be addressed by investigating or assisting patrol officers. Reassuring a victim of his/her immediate safety and clearly explaining reporting procedures and initial investigative steps will assist in alleviating these fears.

- Officers will offer the services of the Victim's Assistance Unit unless otherwise instructed by a Sexual Assault Unit detective.

(8) SEXUAL ASSAULT INVESTIGATIVE PROTOCOL:

Detectives assigned the investigation of a sexual assault will make themselves familiar with the Sexual Assault Response Protocol and will adhere to the following:

- a. Victims will be contacted immediately, upon assignment of a case, and will be periodically updated on the status of their cases. At the conclusion of an investigation, the assigned detective will inform the victim of the outcome. Contacts and attempted contacts of the victim should be well documented by the investigating officer in a supplementary report.
- b. Investigations will be conducted in a timely manner. The Sex Crimes Unit sergeant will be updated on any investigation requiring an extended period of time.

(9) KIDNAPPINGS INVOLVING VICTIMS UNDER THE AGE OF 18:

Kidnappings involving victims under the age of 18 where the victim has been found and attempt kidnappings involving victims who are under the age of 18, will be assigned to the Sex Crimes Unit for investigation.

- a. Any report of kidnapping or attempt kidnapping of a minor child, where the victim has been found, will be immediately reported to the Sex Crimes Unit and a General Occurrence (GO) report will be completed. During non-business hours, the on-call sergeant from the Sex Crimes Unit will be notified through Denver 911 call-out procedures.
- b. In cases where a juvenile victim is still missing and there is any indication the victim was taken against his/her will, the Missing and Exploited Persons Unit supervisor will be contacted immediately through Denver 911.
- c. Enticement of a Child - CRS §18-3-305 (1):

(1) A person commits the crime of enticement of a child if he or she invites or persuades, or attempts to invite or persuade, a child under the age of fifteen years to enter any vehicle, building, room, or secluded place with the intent to commit sexual assault or unlawful sexual contact upon said child. It is not necessary to a prosecution for attempt under this subsection (1) that the child have perceived the defendant's act of enticement.

- 1. Officers responding to the scene of a reported child enticement, or suspected child enticement, will immediately contact the Sex Crimes Unit, or if after hours, the on-call Sex Crimes Unit Supervisor.
- 2. Sex Crimes Unit personnel will evaluate the incident and determine the requirement of an investigative response to the scene.
- 3. Officers will maintain any crime scene per OMS 301.01.

(10) PEACE OFFICER IMPERSONATION INVESTIGATIONS:

- a. OMS 303.14 (4) explains the procedures regarding criminal impersonation cases. With respect to peace officer Impersonation sex assault investigations, officers will route all General Occurrence (GO) reports related to CRS §18-8-112 – Impersonating a Peace Officer - to the Sex Crimes Unit.
- b. The supervisors of the Sex Crimes Unit will evaluate the information and route the reports or letters to the proper investigative unit as necessary.

(11) DECLINED INVESTIGATIONS:

Law enforcement agencies are required to collect and store sexual assault examination kits when a victim does not wish to participate in the criminal justice system or otherwise cooperate with law enforcement. Officers will most often receive this information from medical personnel speaking on behalf of a sex assault victim under their care or from a victim that wishes to remain anonymous. The following scenarios detail the appropriate response:

- a. The victim wishes to obtain a medical examination (SANE) for the collection of evidence (including clothing), but does not wish to participate in a criminal investigation, however, the victim chooses to provide officers with identifying information that will only be used for reporting purposes and no follow-up investigation will be conducted. All reporting procedures remain the same.
- b. The victim chooses to complete a medical examination (SANE) for the collection of evidence, however, chooses to remain anonymous and not provide law enforcement with any identifying information. Reporting procedures are as follows:
 1. Typically, this type of call will be facilitated through medical personnel. Upon arrival, the officer will sign for the SANE exam and relay any necessary communication through the reporting medical staff. The officer will not speak with the victim under any circumstances.
 2. The only evidence collected in this scenario is the sexual assault exam and any related evidence such as clothing. The officer will place evidence into the Evidence and Property Section and complete a General Occurrence (GO) report. The identifying information will be as follows:
 - Name: *(leave blank)*
 - Address of Offense: *1331 Cherokee Street, Denver, CO 80204*
 - Date of Offense: *Date and time the call was received*
 - Title: *Sex Assault – Decline Investigation*
 3. The responding officer will provide the SANE nurse with the GO number for their medical records. The victim will not be issued a Request to Appear (DPD 75).
 4. The GO report will be routed to the Sex Crimes Unit.
- c. The sexual assault exam will be stored at the Denver Police Evidence and Property Section indefinitely.
- d. Victims under the age of 18 or older than 70 years old are not able to remain anonymous or decline a report. Officers will complete a GO report.

301.24 Counterfeit and Altered U. S. Currency (REV. 03-2013)

- (1) Officers receiving calls concerning altered currency shall observe these procedures:
 - a. Do NOT make a Denver Police Department General Occurrence report. These violations are typically within the jurisdiction of the U. S. Secret Service and will be investigated by agents assigned to this Federal agency.
 - b. If there is a definite investigative lead present, request contact from a Secret Service agent through the Denver 911 dispatcher.
 - c. If there is no investigative lead present:
 1. Confiscate the counterfeit or altered currency. See OMS 301.01 (9). The officers may give the complainant a receipt for the item(s) confiscated.
 2. Write a statement describing the circumstances of the incident. Be certain to include all relevant information.
 3. Seal the suspected counterfeit currency and completed statement in an envelope and address it to: U.S. Secret Service, 5619 DTC Pkwy, Suite 400, Greenwood Village, CO 80111.
 4. Place the sealed, addressed envelope in the inter-department mail for postage.
- (2) Officers contacting suspects:
 - a. If the suspect has two or more counterfeit or altered bills, notify the Secret Service immediately to determine investigative and level of response requirements.
 1. If the Secret Service determines the elements of offense do not meet a federal violation, the Denver Police Fraud Unit should be contacted and advised of the

- circumstances. If appropriate, suspects shall be charged at the state level (i.e. Forgery or Possession of a Forged Instrument) and processed according to OMS 303.05.
2. Forged currency shall be placed in the Fraud Unit's locked evidence box only if criminal charges are pending and only if the Secret Service has been notified.
 - b. If the suspect has only a single counterfeit or altered bill, confiscate the bill, complete a Street Check, and forward all to the Secret Service as outlined in OMS 301.24(1)c.
- (3) The Secret Service telephone number, 303-850-2700, is answered by an agent twenty-four (24) hours a day. Officers are encouraged to call this office for any assistance or information they may require regarding suspicious bills and similar situations. The Secret Service has jurisdiction over violations involving the counterfeiting of United States obligations and securities. Some of the counterfeited United States obligations and securities commonly investigated by the Secret Service include U.S. currency (to include coins), U.S. Treasury checks, Department of Agriculture food coupons and U.S. postage stamps.

301.25 Investigative Hypnosis

- (1) No member of the Denver Police Department will use hypnosis on a subject in their official capacity until receiving written approval from the Major Crimes Division Commander.
- (2) Hypnosis will only be performed in relation to an official case which is brought to the attention of the Denver Police Department.

301.26 Deleted

301.27 Notification of Burglary/Theft Detectives on Unusual Cases

- (1) During non-business hours, investigative supervisors or detectives assigned Burglary and Theft cases, are available for advice and assistance.
 - a. When needed, they can be contacted at the request of a supervisor through the Denver 911 dispatcher.
 - b. The investigative supervisor or detective contacted will be responsible for determining the appropriate response to the situation.

301.28 Deleted

301.29 Naming of Denver Police Officers as Suspects in Criminal Cases

- (1) Officers will not complete a General Occurrence report naming police officers as suspects, but instead shall notify their immediate supervisor for referral/notification to the Internal Affairs Bureau (IAB).
- (2) IAB personnel shall conduct an investigation and determine if a General Occurrence report is warranted.
- (3) If cases of a serious nature arise at times other than during regular office hours (8:00 a.m. through 4:00 p.m.), and a delay is impractical, a supervisor assigned to IAB will be contacted by the investigating officer's supervisor.

301.30 Intimidating or Bribing a Witness or Victim and/or Tampering with a Witness or Victim

- (1) Officers will complete a General Occurrence report and obtain written statements from involved parties. The General Occurrence report will be titled "Intimidating a Witness" with the original crime information outlined in the reporting officer's statement.
- (2) The case will be investigated by the investigative unit that filed the original criminal case, with the following exceptions that will be investigated by personnel assigned to either the Major Crimes or Investigative Support Divisions:
 - a. Where the victim or witness is a Peace Officer, Correctional Officer, Elected Public Official, Judicial Officer, or Juror.
 - b. Where the victim or witness suffers serious bodily injury in association with victim or witness intimidation.
 - c. When the original charges were filed by another jurisdiction or were a Denver Revised

Municipal Code (DRMC) violation.

- d. Any intimidation of a victim or witness involving a Domestic Violence incident. These cases will be handled by the Domestic Violence Investigations Unit.

301.31 Case Closure Designations

- (1) When an investigator completes an investigation, there are several ways that the case may be closed. Each closure must be thoroughly documented and supported by the information contained within the supplemental report. There are five concluding denotations a case investigation may receive;
 - a. Cleared by Arrest
 - b. Exceptionally Cleared
 - c. Warrant Issued
 - d. Unfounded
 - e. Inactive-Not Cleared
 - f. With the exception of the designation Inactive-Not Cleared, all other designations will be considered clearances for statistical purposes.
- (2) **Cleared by Arrest:** The Denver Police Department will report that an offense is cleared by arrest, or solved for crime reporting purposes, when at least one person is:
 - a. Arrested and
 - b. Charged with the commission of the offense and
 - c. Turned over to the Court for prosecution.
 - d. Each of the above listed conditions must be met for the case to qualify as Cleared by Arrest. It is further noted that a case may have a single or multiple arrests. Irrespective, to the number of arrests, the case only counts as one clearance.
- (3) **Exceptionally Cleared:** Cases may be cleared using exceptional means due to the existence of circumstances that prevent the Denver Police Department from arresting and formally charging an offender. To clear a case exceptionally, the following criterion must be met;
 - a. The offender has been identified; and
 - b. Sufficient evidence exists to support and arrest, determine a charge, and prosecute the case in court; and
 - c. The offender's current location is known so that an arrest could be effected immediately if necessary; and
 - d. Circumstances beyond the control of the Denver Police Department exists which prohibits the arresting, charging and prosecution of the offender.
 - e. Circumstances existing in an exceptional clearance case include, but are not limited to;
 - 1 Death of the offender. When an offender is killed or dies after the issuance of a warrant, or sufficient probable cause exists to affect an arrest.
 - 2 Prosecution declined. For reasons other than lack of probable cause.
 - 3 Extradition denied. Offender will not be extradited because of financial considerations, or other agency declines the extradition.
 - 4 Victim refuses cooperation. Declines to testify or pursue charging of the offender.
 - 5 Juvenile offender-No custody. Handled by means other than charging the juvenile offender.
 - 6 Excepted by justifiable means in the law. Justifiable homicide, affirmative defenses.
- (4) **Warrant Issued:** This designation is given to cases where a suspect has been identified and probable cause exists to arrest the offender. Under Uniform Crime Reporting standards (UCR) this is an Inactive case. There are three arrest warrant classifications;
 - a. Probable Cause Warrant
 - 1 This warrant is issued by a County Court Judge based on an Affidavit provided by a law enforcement officer supporting the elements of a crime and showing probable cause supporting that the named offender is responsible.
 - b. At Large Warrant
 - 1. This warrant is issued by a County Court Judge based on an Affidavit provided by a

law enforcement officer supporting the elements of the crime. Additionally, the District Attorney has filed charges against the named offender supporting their ability to convict the offender of the named charges beyond a reasonable doubt.

c. City Charges

1. Denver city ordinance violations can be cleared with the warrant issued designation when a General Sessions Summons and Complaint (GSS&C) warrant is issued.
- (5) **Unfounded:** At the conclusion of a thoroughly examined investigation, a determination is made after considering all of the known facts and evidence and these facts can be reasonably articulated that no crime has occurred, the case will be closed as unfounded as to a crime. This will include crimes that that have been shown to exist, however, venue cannot be established and will therefore be unfounded as to a crime in the City and County of Denver.
- (6) **Inactive-Not Cleared:** When all known and possible investigative leads have been evaluated, analyzed, and exhausted and no further investigation can continue without new or additional information, the case will be inactivated. Cases closed with an inactive designation will be so carried until new information is identified or developed or the statute of limitations for the offense expires.

301.32 Use of Outside Consultants (Revised 05-2011)

- (1) During the course of an investigation there may be a need to consult an expert outside the Denver Police Department concerning the evaluation or analysis of evidence. All personnel shall adhere to this procedure when utilizing an outside consultant for this purpose.
- (2) Prior to using an outside consultant as a resource in any investigation, personnel will determine whether the expertise being sought is available within the Denver Police Department.
 - a. In any matter involving the physical analysis of evidence, the Director of the Crime Laboratory Bureau shall be consulted as to the availability of the service within that bureau.
 - b. If the Director determines that the Crime Laboratory Bureau cannot perform the analysis in question, the Director shall be consulted as to which outside source shall be utilized.
- (3) After verifying the need for an outside consultant, the member wishing to use the service shall forward the request in writing through the chain of command to the Deputy Chief of Operations.
 - a. The request shall include a detailed explanation of the need for the service, documentation that the service is not available within the Denver Police Department, and a detailed cost of estimate for the service.
 - b. No expenses for an outside consultant will be incurred without the written approval of the Deputy Chief of Operations.
- (4) In a situation where human life is in imminent danger, such as a hostage incident or kidnapping, the bureau commander responsible for the investigation may utilize an outside consultant if circumstances dictate such action to avoid a death or injury.
- (5) No member of the Denver Police Department will incur expenses for outside consultants after a case has been accepted for criminal filing by the Denver District Attorney's office without the written approval of the Deputy Chief of Operations.

301.33 Post Combined DNA Index System (CODIS) Match and Automated Fingerprint Identification System (AFIS) Investigative Procedures

- (1) Purpose:

CODIS and AFIS match investigations are typically reactive in nature and driven by scientific results obtained from the Forensics and Evidence Division. A CODIS match produces an investigative lead regarding possible connections or involvement of a biologically identified suspect. An AFIS match produces an investigative lead regarding possible connections or involvement of a fingerprint identified suspect. Like other types of evidence, the probative value of CODIS and AFIS matches must be carefully evaluated as to their significance to the case.
- (2) Procedures:

The below procedure will be followed when a CODIS or AFIS match notification is generated to ensure the investigative lead produced by the CODIS or AFIS hit is being assessed and followed up in a timely manner, the identified DNA source (CODIS) is being thoroughly evaluated, and when necessary, the identified suspect actively sought.
- (3) CODIS and AFIS Match Notification Report:

When a CODIS or AFIS match occurs, the Forensics and Evidence Division will generate a notification on the Denver Police Department Forensics and Evidence Division CODIS or AFIS Match Laboratory Report.

(4) Notification Will Be Emailed to:

- a. The assigned detective
- b. The assigned detective's immediate supervisor
- c. Section or unit commanding officer
- d. Affected Division Commander/Chief
- e. Director of the Forensics and Evidence Division

(5) Actions Following Receipt of Notification:

Upon receipt of a Denver Police Department Forensics and Evidence Division CODIS or AFIS Match Report, the unit supervisor will ensure the assigned detective, or in the absence of the assigned detective, the supervisor's designee, reviews the identified case and the CODIS or AFIS Match Laboratory Report.

In this review, the facts of the case will be assessed to determine:

- a. Does the identified source (CODIS/AFIS) match closely match the physical description of the suspected offender in the case? A full criminal history of the biologically identified offender will be compiled to assist in the determination of this.
- b. Is the CODIS or AFIS match that of a consensual partner, friend, family member, or non-involved entity? This information may not be known at the time of the case review and is usually determined after the victim is re-contacted and interviewed.
- c. What is the identified offender's custody status (e.g., incarcerated, on probation, on parole, out of custody)?

(6) Written Summary of Investigating Detective's Review:

A written summary of the investigating detective's review will be submitted through the chain of command to his/her commander within 24-hours. The summary will contain the following:

- a. Case overview
- b. Significance of DNA association to offense (i.e., intimate vs. non-intimate source)
- c. Significance of fingerprint association to offense
- d. Victim's availability and cooperation level
- e. Suspect custody status and criminal history
- f. Case status (i.e., warrant already exists for identified biological source or fingerprint evidence, probable cause warrant issued, no probable cause, case already adjudicated, further investigation needed)

(7) Identified Biological or Fingerprint Source Matches the Physical Description:

When it is determined the identified biological or fingerprint source matches the physical description in a case and the identified biological or fingerprint source is not incarcerated, the investigating detective will determine if any outstanding warrants exist for the source.

- a. If a separate warrant does exist, the investigating detective's supervisor will immediately contact the Denver Police Department Fugitive Unit to initiate a search and arrest plan for the identified suspect.
- b. If a separate warrant does not exist and there is probable cause to arrest because of the CODIS or AFIS match, an arrest warrant will be completed. The investigating detective's supervisor will contact the Denver Police Department Fugitive Unit and advise them a warrant is being drafted and request them to initiate a search and arrest plan for the identified offender.
- c. If probable cause does not exist at the time of the CODIS or AFIS match, additional steps will be taken by the investigative detective which may include:
 1. Contacting and interviewing the victim or witnesses
 2. Review completed audio and video recorded interviews
 3. Revisit crime scene and document as necessary
 4. Contact originally assigned detective
 5. Submit additional lab requests for further analysis of evidence
 6. Obtain medical release from victim

7. Victimology to determine any association to the identified offender
 8. Complete court order to collect confirmation DNA or fingerprint sample from suspect as required
- (8) CODIS or AFIS Match from Consensual Partner or Non-Involved Entity:
If the CODIS match is determined to be from a consensual partner or a non-involved entity (i.e., in custody at the time of offense), the CODIS administrator will be notified to remove the case specific profile in accordance with federal guidelines.
- (9) Probable Cause Requires Totality of Evidence:
A CODIS or AFIS match is an investigative lead and does not alone constitute probable cause, eliminate a suspect, or determine if an arrest will be made. The assigned investigating officer must evaluate the totality of the evidence when conducting a post CODIS or AFIS match investigation and when determining whether the CODIS/AFIS match necessitates the issuance of an arrest warrant.

302.00 - FILINGS AND REPORTS**302.01 Case Filing****(1) Case Preparation**

- a. Case preparation begins with the initial investigation. The arrest of a criminal is only the first step in criminal justice. The case must be painstakingly prepared, evidence gathered, witnesses contacted, statements taken and all possible facts carefully recorded in preparation for the trial.
- b. A member of the Department assigned to the investigation of a criminal case shall enter in his Supplementary Report in an orderly and legible manner all information relative to the case which they are able to ascertain.
- c. Many detectives may work on a single case, especially if it is complex in nature. For accountability, a primary detective shall be assigned and held responsible for the final work product and the case presentation to the District Attorney's office for review and filing.
- d. Officers shall collect, properly identify and preserve all real evidence which may be material to the case. Where such evidence is of considerable value, photographs shall be taken, detailed drawings made, fingerprint evidence obtained and such chemical or other scientific analysis or examination, as may be required, shall be made.
- e. Officers shall contact and take statements from all witnesses and shall interrogate the suspect for the purpose of obtaining a confession or admission. In taking a statement from the suspect, leading questions shall be avoided. Officers shall not resort to inducements, promises, threats, or duress to obtain a confession or an admission. See OMS 302.10 & 302.11. The Advisement Form, DPD 369, shall be used prior to talking to suspects.
- f. An officer shall not depend upon a confession or admission made by a suspect to the extent of becoming lax in the preparation of their case. They should anticipate a denial by the defendant or the possibility that the admission or confession may not be admissible in evidence and should spare no effort in investigating the slightest circumstance for the purpose of having their case complete.
- g. A member of the Department, having filed a case in the Criminal Division of District Court, shall furnish the District Attorney a written digest of the case, listing each witness, their name and address, and setting forth the testimony that each witness may be expected to present. It is important that the list of witnesses be complete so that they may all be endorsed at the same time, so as to obviate the necessity of endorsing additional witnesses at a later date.
- h. Members shall appear in court on the date set for trial with their cases properly prepared, and all evidence ready for presentation. They shall promptly respond when called upon to present evidence. See OMS 103.01.
- i. An officer, when called upon to testify, shall speak in calm, clear, distinct, and audible tone and give a strictly accurate, impartial, and complete account of the circumstances pertaining to the case before the court. See OMS 103.05.
- j. An officer shall answer the defendant or their attorney with the same readiness and civility as when giving evidence in support of their case and shall tell the truth at all times whether it be against or in favor of the defendant.
- k. When mentioning the prisoner being tried in court, the officer shall refer to the prisoner as the defendant.
- l. An officer shall study their original notes and the records and reports in the case before appearing in court in order to refresh their memory as to all the circumstances of the case. However, they may, if necessary, refer to their original notes in court.

- m. Members of the Denver Police Department must provide everything associated with the investigation, the investigative casebook, the ancillary casebook, and all other items related to the investigation and held as evidence, to the District Attorney to meet the requirements of Rule 16 of the Colorado Rules of Criminal Procedure and *Brady v. Maryland*, 373 U.S. 83 (1963). Members of the Denver police Department shall disclose all information and items related to a particular investigation, irrespective of the nature of the information or item, to the District Attorney with respect to the filed case.

(2) Rule - Advisement of Rights and Filing of Complaints or Information in Felony Cases:

- a. When a person is arrested for investigation of a felony offense or pursuant to a felony warrant, they shall be brought before the appropriate County Judge at the next scheduled first advisement session of the County Court which immediately follows the defendant's arrest.
- b. All persons arrested on Saturday after the last County Court advisement session or on Sunday shall be brought before the appropriate County Judge at the next regular scheduled session of the County Court.
- c. If a complaint has not been filed against the defendant at the time of the first advisement, a complaint or information shall be filed within three (3) regular working days after the defendant's arrest, if the defendant has not been released on bond. In computing said three (3) day period, the date of arrest shall not be considered a working day. If the defendant is released on bond, the complaint or information shall be filed within ten (10) days from the date of posting said bond. Such time may be extended for an additional reasonable time upon good cause shown by the District Attorney.
- d. If the complaint or information has not been filed within three (3) days of defendant's arrest and the defendant has not been released on bond, they shall be released from custody or released on a personal recognizance bond. If the defendant has been released on bond and the complaint or information has not been filed within ten (10) days from posting said bond, the defendant shall be discharged from further orders of the Court and said bond shall be ordered released.

(3) Filing criminal actions by investigating detectives.

- a. Outline the case completely including all circumstances, principals, M.O., etc. A photocopy of the Offense/Incident Report, suspect(s) records, and case summary shall be included.
- b. List all substantiating evidence, displays, exhibits, etc., which may be pertinent to the case.
- c. List of witnesses
 - 1. List all witnesses, their names, complete addresses, place of employment, and telephone numbers, being careful to include all witnesses who can testify to facts, identify evidence or confirm the chain of custody of such evidence. State what each witness can present in court testimony. Refer to OMS 109.01(2)b,3.
 - 2. When preparing witness lists that include police officers, filing detectives will list the witness officer's rank, full name and five (5) digit serial number.
Example: Det. John M. Smith 72015
initials, incomplete, or hyphenated serial numbers are not acceptable.
- d. Every document pertaining to an offense report, regardless of size and shape, shall have the case number clearly visible for filming and indexing purposes.
- e. Present all the facts, evidence, and all pertinent information available to the Complaint Deputy of the District Attorney's office for evaluation. Prepare a Case Filing Information Form on each case submitted to the Complaint Deputy for the signature of the deputy, indicating a date and time of acceptance of the case. If the case is refused, the date and time should be noted as well as the reason for refusal.
- f. Notify the District Attorney in writing of any additional evidence and the witness who can establish its relevance to the case.
- g. In all cases where evidence or property is not returned to the Property Section, the disposition of such case shall be given to the Property Section in writing. (Such notification may be entered by the officer upon the Property Withdrawal Slip.)

- h. When it becomes apparent that property being held as evidence will not be needed in the prosecution of a criminal case, the assigned investigator will contact the Property Section to arrange for the release of the property. See OMS 106.06.
- (4) Cases dismissed as a result of alleged police mishandling.
 - a. The District Attorney will forward to the officer's Deputy Chief any case where prosecution is declined or dismissed due to alleged police mishandling.
 - b. These cases will then be forwarded through the chain of command to the officer's supervisor, who will review the case with the officer to prevent a recurrence in future similar situations.

302.02 Misdemeanor Case Filing Using the Criminal Summons and Complaint

It is incumbent upon the detective assigned a case investigation to initiate the process by which prisoners involved in the matter and held in the Detention Center are properly advised of their rights and/or made eligible for bond at the next scheduled court session following their arrest.

- (1) Upon completion of the case investigation, the detective may charge the prisoner with a misdemeanor violation of the State Statutes. The case filing can follow the simplified procedures using the Criminal Summons and Complaint. If the prisoner is still in custody and all necessary documents have been completed, the detective will appear at the Detention Center prepared to:
 - a. Serve the defendant with the appropriate copy of the Criminal Summons and Complaint.
 - b. Deliver to the Deputy Sheriff on duty the Jail Copy of the CS&C and a Change of Charge, DPD 43, for the defendant.
 - c. Place in the designated repository in the Detention Center an envelope, addressed to Room 111, City and County Building, containing those documents necessary to complete the misdemeanor filing. These documents will be securely attached to the remaining copies of the CS&C.
- (2) In those instances when the detective anticipates a delay in completing the investigation and subsequent misdemeanor filing, the Misdemeanor Processing Form, DPD 314, shall be completed and HAND CARRIED to the Detention Center at the earliest possible time after case assignment so that the prisoner may be advised of his rights and made eligible for bond without any unnecessary delay.
 - a. If the defendant remains in custody when the detective has completed both the investigation and case filing, the procedures outlined in OMS 302.02(1) shall apply.
 - b. If the defendant has been released from custody on a bond when the detective has completed the investigation and case filing, detectives will deliver to the Detention Center the Jail Copy of the CS&C at the same time the case filing is placed in the designated repository.
 - c. When the prisoner has been released from custody before being served with a copy of the CS&C, upon returning to court, the defendant will be served with the complaint by the judge.
- (3) When the exact nature of the charges to be filed against the defendant have yet to be determined, the Felony Processing Form, DPD 275, may be used by the investigator to insure prisoners being held on investigation charges will be properly advised of their rights and made eligible for bond without unnecessary delay.
- (4) The misdemeanor case filing will include:
 - a. Court Copy of the CS&C - ALWAYS THE ORIGINAL.
 - b. District Attorney Copy of the CS&C.
 - c. At least one (1) extra copy of the CS&C (may be a photocopy).
 - d. At least two (2) copies of any additional lists of witnesses.
 - e. Any supplemental not left with the D.A. at the time of acceptance.
 - f. The R-84 sheet, except in DUI arrests.
- (5) Officers will not place any dollar amounts for bonds on Felony or Misdemeanor Processing Forms, or on the bottom of the Criminal Summons & Complaint.

- (6) If, after an advisement form has been sent to the court, the charges are either dropped or reduced to a City Ordinance charge, the detective shall contact personnel in Room 111 and advise them of the change.

302.03 Bail and Bondsmen: Investigator's Procedures (See OMS 104.47)

302.04 Restitution and Dropping of Charges

- (1) Under no circumstances shall any investigator negotiate, agree to, or accept restitution in any case whatsoever, for the purpose of reducing or dropping any charges or for any other purpose.
- (2) The complainant in every case must understand and accept the fact that any case filed is for the sole purpose of prosecuting the defendant and not for the purpose of recovering personal property, losses, or forcing payments or collections of any kind.
- (3) The primary job of the investigator is to investigate, file, and present competent testimony on every criminal offense.

302.05 Grand Jury Procedures

- (1) Definitions
 - a. **GRAND JURY:** A jury of 12 to 23 citizens that investigates accusations concerning crimes. If there is sufficient evidence, the jury may return an indictment.
 - b. **INDICTMENT:** A formal accusation against a person by a **grand jury** based upon probable cause that the person committed a crime.
 - c. **NO TRUE BILL:** The grand jury returns a "no true bill"; effectively closing the case, when it determines the evidence is insufficient to find probable cause. The court will normally seal no true bill cases.
 - d. **REPORT:** If the grand jury does not indict, it can write a report (*C.R.S. §16-5-205.5*)
- (2) The chief judge of the district court or his designee may order a Grand Jury where authorized by law or required by the public interest. (*Rule 6 Grand Jury Rules (a),(b),(c), Colorado Rules of Criminal Procedures, Colorado Revised Statutes*)
- (3) All persons associated with a grand jury and its investigations or functions should at all times be aware that a grand jury is an investigative body, the proceedings of which shall be secret. Witnesses or persons under investigation should be dealt with privately to insure fairness and confidentiality. The oath of secrecy shall continue until such time as an indictment is made public, if an indictment is returned or until a grand jury report dealing with the investigation is issued and made public as provided by law. (*Rule 6.2 Secrecy of Proceedings (a), Colorado Rules of Criminal Procedures, Colorado Revised Statutes*)
 - a. Only the prosecutor may disclose information of the general-purpose regarding the grand jury's investigation.
 - b. Justification for grand jury secrecy includes but is not limited to:
 1. To prevent the escape of those individuals whose indictment may be contemplated.
 2. To prevent disclosure of derogatory information presented to the grand jury against someone who has not been indicted.
 3. To encourage witnesses to come before the grand jury and testify with respect to the commission of crimes.
 4. To encourage grand jurors to conduct uninhibited investigation of and deliberation on suspected criminal activity.
 - c. At no time will any Denver Police officer make any release or comment regarding grand jury proceedings, acknowledge the existence of an investigation conducted by a grand jury or

comment on a grand jury which has been empanelled.

- (4) The court upon written motion of the grand jury appoints investigators. Investigators may be law enforcement officers who are presently investigating the subject matter before the grand jury. *(Rule 6.5 Investigator (a), Colorado Rules of Criminal Procedures, Colorado Revised Statutes)*
 - a. Every person appointed as a grand jury investigator will be administered an oath of secrecy by the chief judge of the district court or his designee.
 - b. Discussions regarding a grand jury investigation will be limited to other sworn investigators or the grand jury prosecutor.
 - c. Sworn investigators may only discuss a grand jury investigation for which they are appointed and only with other persons appointed to the investigation.
 - d. A grand jury investigator can never have a discussion with a member or members of the grand jury except under oath on the witness stand. There are no exceptions to this rule.
 - e. Investigators are sworn at the discretion of the presiding District Court Judge and the District Attorney. The commanding officer of the affected bureau responsible for the Grand Jury investigation will determine appropriate levels of supervision required. Command and supervisory officers will be sworn as necessary.
- (5) The indictment shall be a written statement presented in open court by a grand jury to the district court, which charges the commission of any crime, by an alleged offender. *(Rule 7, Indictment and the Information (a) Colorado Rules of Criminal Procedures, Colorado Revised Statutes. C.R.S. §16-5-201 Indictments)*
 - a. Upon motion by the prosecutor, the court shall order the indictment to be sealed and **no person** may disclose the existence of the indictment until the defendant is in custody or has been admitted to bail, except when necessary for the issuance of a warrant or summons. *(Rule 6.6 Indictment-Presentation-Sealing, (b) Colorado Rules of Criminal Procedures, Colorado Revised Statutes)*
 - b. Information released to the public shall be made only **after** the court has unsealed the indictment. The determination for release of information will be made by the Denver District Attorney's office. The Denver Police Department may participate in the information release at the request of the Denver District Attorney.
- (6) A grand jury report may be prepared and released as permitted by **C.R.S. §16-5-205.5 Grand Jury Reports**. *(Rule 6.7 Reports, Colorado Rules of Criminal Procedures, Colorado Revised Statutes. C.R.S. §16-5-205.5 (1) through (5))*
 - a. A grand jury report may be deemed to be in the public interest only if the report addresses one or more of the following:
 1. Allegations of the misuse or misapplication of public funds
 2. Allegations of abuse of authority by a public servant, as defined by C.R.S. §18-1-901 (3)(o), or a peace officer, as defined by C.R.S. §18-1-901 (3)(l).
 3. Allegations of misfeasance or malfeasance with regard to a government function, as defined by C.R.S. §18-1-901 (3)(j).
 4. Allegations of commission of a class 1, class 2, or class 3 felony.

302.06 Deleted

302.07 Deleted

302.08 Deleted

302.09 Deleted

302.10 Rights Advisement Form, DPD 369

- (1) When an arrest is made by a Denver police officer, the arresting officer shall advise the arrested person of their rights as indicated on Advisement Form, DPD 369, and shall, in their own handwriting, fill out DPD 369.
- (2) If the arrested person refuses to sign DPD 369, the arresting officer shall write the word "refused" in the space provided for the suspect's signature. It is desirable, but not absolutely essential, that the advisement be witnessed.
- (3) When the Advisement Form, DPD 369, is made out by department personnel, both copies of the completed form will be immediately hand carried to the Detective Bureau.
- (4) If no Advisement Form, DPD 369, is received from the arresting officer, investigators should make an attempt to locate it. Investigators shall submit a report to their supervisors when arresting officers fail to comply.
- (5) Personnel assigned to the communications desk will immediately route to the proper investigative detail all DPD 369s received. Investigators shall notify their supervisors of any delay in the arrival of these forms.
- (6) Prior to any interrogation or questioning of suspects, DPD 369 shall be made out by the investigator.
 - a. DPD 369 shall be made out by the investigator on each succeeding occasion when a suspect is questioned at intervals. For example, if a suspect is questioned during the forenoon hours and again during the afternoon hours, a DPD 369 shall be filled out prior to each interrogation period. If a formal statement is obtained from the suspect during any subsequent interrogation period, the DPD 369 at that time will not be needed.
 - b. If the case is not filed by the District Attorney, all copies of DPD 369 will be retained with the case file.
- (7) Public Defender

In the event a suspect requests the Public Defender, a current list of the available attorneys of the Public Defender's Office is posted at the Investigation Division Communications Desk, and the Detention Center.

302.11 Statements

- (1) Use of DPD 366, Statements
 - a. When investigation arrests and other arrests are made that could result in a case being filed in District Court, the arresting officer shall fill out form DPD 366.
 - b. All remarks or responses to interrogation made by the suspect shall be entered in complete detail.
 - c. A separate sheet shall be used for each suspect. The reports shall not be filed by two officers unless all remarks are made in the presence of both.
 - d. Remarks to individual officers shall be the subject of a separate report.
 - e. Besides the above information, the arresting officer shall detail all phases of the arrest that could be related as evidence during the trial.
 - f. The report shall be completely filled out and shall be printed or typed and legible.
 - g. The report shall be taken immediately to the Detective Bureau upon street arrest and jailing. In cases where the suspect is taken to the Detective Bureau the report shall be made and given to the detective on duty.
 - h. Date and time of statements must appear on the form.
- (2) Witness' Statements
 - a. DPD 366 shall be used for all witness' statements and should be completed in its entirety.
 - b. All witness' statements included in case filings presented to the District Attorney shall indicate

the time of day and the specific date on which the statement was taken.

- c. If a witness' statement is received from a uniformed officer and the time and date are not indicated, the investigator shall contact the officer making out the statement form, ascertain the time of day and date, and enter this information on the statement form.

(3) Confessions

- a. A confession may be oral, written and signed, or written and unsigned.
- b. A confession must be voluntary. The prosecutor, before introducing a confession into evidence, must prove that it was voluntarily given by the defendant without the use of force, threats, duress, promises, or other inducements.

(4) All confessions shall be taken in formal form and the opening questions in order shall be as follows:

- a. What is your name?
- b. Where do you live?
- c. What is your date of birth?
- d. This concerns an incident that occurred on (date) in which (name of victim), located at (address) (brief explanation of crime which occurred). I want to question you at this time concerning any knowledge you might have of this incident. Do you understand this?
- e. Before doing this, you are advised that you have a right to remain silent. Do you understand?
- f. Do you understand that any statement you do make can be used as evidence against you?
- g. Do you further understand that you have a right to the presence of an attorney, either retained or appointed?
- h. Knowing these things, do you care to tell us about this incident?
- i. Have any promises or threats been made to you?
- j. Now tell us in your own words what knowledge you have of this incident.

(5) If it is known during the taking of a formal statement that any person being questioned is suffering a definite physical or mental impairment, then ask that person if he or she feels physically and mentally able to give a statement.

- a. Do not ask this question relative to impairments generally during any interrogation, but only when you have definite knowledge of such physical or mental impairment.
- b. If there is in fact no obvious impairment, the asking of the question could constitute an invitation to the suspect to set up a possible defense for the commission of the act or an excuse for making the statement.

(6) Admissibility of Statements

- a. If one co-suspect makes a confession or an admission outside of the presence of the other co-suspect(s), that statement is inadmissible against the other co-suspect(s) even if the other co-suspect(s) is implicated in the crime.
- b. The officer should read a co-suspect's statement that was made outside of the presence of the other co-suspect to the other suspects and if these suspects assent to the statement, then it is admissible against them at the trial.

302.12 Polygraph (Revised 03/2013)

(1) In criminal investigations, the polygraph may be used to test any of the following subjects: (a) suspect, (b) victims, or (c) witnesses, provided however, that proper preliminary field investigation has been exercised prior to the polygraph examination.

- a. The polygraph examiner may refuse to examine any subject if it is believed that the subject is not in proper physical or mental condition for an examination, or if there is not sufficient information on which to base an effective instrumental interrogation.
- b. A subject cannot be forced to take a polygraph examination. Any force or intimidation used to

force a subject to take a test would render any subsequent confession inadmissible as evidence. The subject must agree without any duress to take the examination.

- (2) Polygraph procedures:
 - a. A polygraph request form shall be completed in its entirety with all information set forth. Include the following documents so that a proper examination may be prepared: Copy of the offense report, statements - including written statements, and criminal record. The investigator who actually participated in the investigation and is, therefore, the most familiar with the facts and particulars of the pending case, should make this information available, in writing.
 - b. The original polygraph request form, plus all required documents, should be placed in the polygraph mail box in the Detective Bureau and will be retained as part of the subjects examination file.
 - c. The polygraph examiner will notify the investigating detective of the scheduled examination date and time, in writing if time permits.
 - d. The detective is then solely responsible for notifying the subject of the appointment. Should a person fail to appear for a scheduled examination, the investigator may, if deemed necessary, request a second appointment. Thereafter, no additional examination date for the same subject will be accepted without the permission of the polygraph supervisor.
 - e. The very nature of a polygraph examination is such that the examiner does not confine themselves solely to the questions which may be of interest to the investigator. Control situations can and often are developed around questions based on the personal history of the subject, in order to measure responses to controlled stimuli or those questions relating to the actual case under investigation. Therefore, it is mandatory that all information requested on the polygraph request form be filled in completely.
 - f. Once an individual has been filed on in any court, he/she shall not be administered a polygraph examination by this Department. Only the Commander of the Major Crimes Division may authorize such examination.
- (3) Polygraph subjects will not be examined on the polygraph until the investigator has contacted the subject in person and either conducted an interrogation or an interview.
- (4) Whenever possible, investigators shall remain in their office during the polygraph examination of a subject in one of their cases. This is requested since a confession or admission can be immediately repeated by the subject to the investigator if one results from the examination.
- (5) No public disclosure shall be given by a police officer as to whether the examinee passed or failed a polygraph examination.
- (6) The investigators should avoid disclosure of any details or facts established in the investigation which are not known to the subject. If this precaution is disregarded, it may preclude the examiner conducting the best possible informative and reliable tests.
- (7) Unfit Subjects. Subjects with any of the following disabilities are not considered to be suitable for examination and should not be scheduled under any conditions:
 - a. Under the influence of alcohol, sedatives, opiates, or other drugs.
 - b. Those complaining of physical pain.
 - c. Severe colds or other respiratory involvements.
 - d. Nervous disorders.
 - e. Psychiatric or mental problems.
 - f. Coronary or heart conditions.
 - g. History of drug or narcotic addiction.
 - h. Involved in any type withdrawal program.
 - i. Pregnant women.
- (8) Juvenile Examination (under 18 years of age)
 - a. Should you require a polygraph examination for a juvenile, the following steps should be

carefully adhered to.

- b. An Authorization for Juvenile Polygraph, DPD 686, must be filled out and forwarded along the investigator's chain of command to the Commander of the Major Crimes Division. The authorization request will be complete and will include the entire case file. All required signatures on the request form must be complete prior to the examination being scheduled.
- c. Once an examination date has been set by the examiner, the investigator shall notify the juvenile and one parent or adult guardian of the date and time to appear for examination. The examiner shall obtain the signatures needed on the consent or waiver at the time of the examination. Individuals under fourteen years of age shall not be considered for polygraph examinations.
- d. At the conclusion of a polygraph examination, the examiner will notify the investigator concerning the examination results and other pertinent information developed during the examination procedure.

302.13 Deleted

302.14 Investigation Funds and Informant Use, Supervision and Compensation

- (1) The Commander of Investigative Support Division shall establish guidelines in the form of written Directives to govern investigative funds and the use, supervision, and compensation of informants. These Directives will cover the following:
 - (2) A Directive will establish a bookkeeping procedure for the use of funds to pay informants, make controlled buys and cover miscellaneous investigative expenses.
 - a. Requests for money from such funds will be made to the commanding officer of the appropriate bureau and must follow the guidelines set forth in the Investigative/Informant Fund Directive.
 - b. It shall be the responsibility of the supervisor or command officers who check out money to assure that all monies are accounted for.
 - c. All funds of the Investigative Support Division will be audited monthly by the Office of the Deputy Chief, and copies of the audit provided to the Chief of Police and the Manager of Safety.
- (3) A Directive for the use, supervision, and compensation of informants will identify the importance of the use of informants, categories of informants and informant classifications.
 - a. Restrictions will be established for using certain types of criminals and juveniles as informants.
 - b. Supervisors must be aware of agreements between subordinates and informants.
 - c. Compensation for informants in the form of pay, dismissal of cases or appearances on their behalf must follow the Directive guidelines.
 - d. Informant record keeping, codes, and file security will be covered in the Directive.

303.00 – FINANCIAL CRIMES UNIT

303.01 General Procedures

- (1) The Fraud Unit is responsible for investigations relating to checks, financial transaction devices, forgeries, identity theft, criminal impersonation, fraud by check, non-return of rented property (excluding motor vehicles), and long-term con games.
 - a. During normal business hours, detectives assigned to the Fraud Unit are available for advice and assistance.
 - b. During the off duty hours, a call out list for Fraud Unit personnel is maintained by Denver 911.
- (2) All suspects ordered into the Fraud Unit will be directed to appear for the next business day at 0900 hours.
- (3) Only members of the District Attorney's Office or members of the Fraud Unit shall be allowed to remove any file on any case from the Fraud Unit Office, except with the expressed permission of the supervisor of the Fraud Unit or a command officer of the Major Crimes Division.

303.02 Stolen or Lost Checks

- (1) A General Occurrence report will be completed when a person requests to report the loss or theft of a check. Reports shall be completed if the check was lost/stolen in Denver or if the account holder is a Denver resident. This is Colorado state law and is in compliance with C.R.S. §16-5-103. If that is the only property missing, and the loss is not a part of another offense such as burglary, theft, or theft from motor vehicle, a General Occurrence report will be completed and entitled "Lost or Stolen" and specify "Checks". The same report should be taken from an account holder involving counterfeit checks or an electronic compromise. A description of the check should include the name of the bank, the account number, the missing check number(s), as well as the name of the account holder(s) as it appears on the check. The body of the report should include the information that the report was made "For Record Only." If the loss is a part of another offense or if items of value were taken, the report title should indicate the proper offense and the report shall be routed to the appropriate investigative unit for follow-up.
- (2) If the loss of a check is part of any other crime where a General Occurrence report is to be completed, the check will be listed as stolen property and completely described, indicating the issuing bank, account number, check numbers, account holder information, etc.
 - a. Indicate if such checks are blank or have been filled out.
 - b. No dollar value is stated in the Value column of the General Occurrence report, as there is no actual value to the checks or financial transaction devices.
 - c. Additional documentation shall be sent to the Records Section to be scanned into RMS.
- (3) When any investigator, regardless of assignment, receives a General Occurrence report in which checks were taken or lost, the investigator shall immediately notify the Fraud Unit of the pertinent information.

303.03 Forgeries of Checks

- (1) Uniform officers will not complete a General Occurrence report in cases involving the forgeries of checks, only the theft of checks unless the incident is fresh and a suspect is arrested.
 - a. Complainants (typically a bank or merchant suffering financial loss and not the account holder) shall be required to call the Fraud Unit the following business day to make an appointment with a Fraud Unit detective.
 - b. Fraud Unit detectives will interview the complainant, determine if the case meets the statutory requirements, and complete any necessary reports, including the General Occurrence report.

303.04 Stolen, Lost, Counterfeit or Compromised Financial Transaction Devices

Financial transaction device means any instrument or device whether known as a credit card, banking card, debit card, electronic fund transfer card, ATM card, or guaranteed check card, or account number representing a financial account or affecting the financial interest, standing, obligation or to the account holder, that can be used to obtain cash, goods, property, services, or to make financial payments.

- (1) A General Occurrence report will be completed when a person requests to report the loss of a financial transaction device. Reports shall be completed if the card was lost/stolen in Denver or if the account holder is a Denver resident. This is Colorado state law and is in compliance with C.R.S. §16-5-103. If that is the only property missing and the loss is not a part of another offense such as burglary, theft, or theft from motor vehicle, a General Occurrence report will be completed and titled "Lost or Stolen" and specify "Financial Transaction Device." This is also true if the card was compromised in another matter and the account holder is still in possession of their card. A description of the financial transaction device should include the name of the bank and account number, as well as the name of the account holder as it appears on the financial transaction device. The body of the report should include the information that the report was made "For Record Only." Additional documentation shall be sent to the Records Section to be scanned into RMS.

- (2) The complainant shall be advised to:

- a. Report the missing or compromised financial transaction device to the banking, financial, or business institution issuing the card, and
- b. Advise the complainant the loss of the financial transaction device will not be investigated, but that the unauthorized use of the financial transaction device will be investigated by the jurisdiction in which the usage occurred.

- (3) If the theft of a financial transaction device is part of any other crime where a General Occurrence report is to be made or if items of value were taken, the report title should indicate the proper offense and the report shall be routed to the appropriate investigative unit for follow-up. The financial transaction device will be listed as stolen property having no value, including the name of the bank, account number, and name as it appears on the card.

303.05 Arrest of Suspects Involving Checks or Financial Transaction Devices

- (1) In cases of forgeries of checks or financial transaction devices when it has been verified that the checks or financial transaction devices are stolen/counterfeit, the suspect will be arrested.

- a. The suspect will be charged with Investigation of Forgery when the offense involves checks.
- b. The suspect will be charged with Investigation of Unauthorized Use of a Financial Transaction Device when the offense involves financial transaction devices.

- (2) The suspect and all evidence will be taken to the Fraud Unit during the hours it is open.

- a. The arresting officer shall fill out a Statement Form, DPD 366.
- b. The arresting officer will identify and obtain a written statement from the acceptor of the check or financial transaction device and any other potential witnesses to the event on DPD 366. The acceptor is the person to whom the suspect actually presented the check or financial transaction device (bank teller, sales clerk, cashier, etc.).

- (3) When the Fraud Unit is closed, the following procedures will be followed:

- a. The suspect shall be processed according to OMS 104.01(24).
- b. The officer will advise the suspect of his rights and attempt to obtain a verbal or written statement.
- c. The evidence will be initialed, dated, and placed in the secured lock box in the Property Bureau. Do not place checks, financial transaction devices, driver's licenses, or other documentary evidence in the Property Bureau, unless a large amount of evidence is recovered.
- d. A Statement Form, DPD 366, will be completely filled out by the arresting officer and left with the rest of the paperwork in the secured lock box located in the Property Bureau.

- (4) Suspects arrested on warrants involving checks or financial transaction devices will be processed as outlined in OMS 104.10.]

303.06 Confidence Games

- (1) Long term confidence-fraud games involving the use of deception or misrepresentation to perpetrate a theft are investigated by the Fraud Unit. The more common of these confidence games are the Lotto Scams, Nigerian Scams, Bank Examiners Swindle, Pigeon Drop, Jamaican Switch, and the Gypsy Swindle.]
- (2) Officers shall complete a General Occurrence report in cases of confidence fraud games and title the report "Theft (Confidence Game)".
- (3) All persons arrested for Investigation of Theft (Confidence Game) shall be processed according to the procedures outlined in OMS 104.01(24).
- (4) Other, short term, confidence games, such as the Shell Game and Three Card Monte are similar to games of chance and will be handled by the Vice/Drug Bureau.

303.07 Non-Return of Rented Property

- (1) No General Occurrence report shall be completed by uniform officers.]
- (2) The complainant shall be advised to call the Fraud Unit during normal business hours and make an appointment with a detective.
- (3) Complaints involving non-return of rented cars will be referred to the District Station Investigations Unit for appropriate action. See OMS 104.36(6).]

303.08 Theft of Lodging/Meals

- (1) Process Theft of Lodging/Meals involving Checks or Credit Cards according to OMS 303.05 and route all cases to the Fraud Unit.]

303.09 DELETED 7/08 - Misdemeanor Theft of Lodging or Meals Using Check or Financial Transaction Device (under \$1,000.00)

303.10 Fraud by Check

The below listed guidelines will be used to handle calls involving fraud by check.

Note: These guidelines do not apply to cases involving counterfeit checks, stolen checks or use of a fake or fictitious identity or identification. Such conduct involves forgery and/or criminal impersonation and should be handled accordingly.

- (1) Fraud by check (commonly referred to as a "bounced check") deals with checks refused for payment by] the bank. The two reasons for refusals typically are:
- a. Insufficient funds
 - b. Account closed, or
- (Refer to Maker and Stop Payment checks are usually civil in nature.)]
- (2) If the suspect is not present, and it is determined that the check or checks are not counterfeit, the complainant will be advised to do one of two things.
- a. If the total of the check(s) is \$5,000.00 or less, the complainant will be advised to contact the Denver District Attorney's Bad Check Restitution Program. They can do this by calling (800) 574-5378, or at www.denverda.org to file their complaint.
 - b. If the total of the check(s) is over \$5,000.00, the complainant will be advised to contact the] Fraud Unit during normal business hours at (720) 913-6752.

- (3) If the suspect is at the scene of a possible fraud by check violation, officers will make every attempt to verify that the check in question is not a forgery. If the officer is unable to establish that the check is a forgery, but can establish that the account is closed, or the check is insufficient funds, the following procedure shall be followed:
- a. If the complainant has not sustained any monetary loss from the attempted Fraud by Check:
 1. The officer will advise the suspect that the account is closed, or has insufficient funds, and not to write any more checks.
 2. The check that was tendered, and a letter detailing the circumstances will be delivered to the Fraud Unit, during normal business hours, or placed in the evidence box located in the Property Bureau after hours.
 3. If the check was written on a closed account only (not insufficient funds), any other checks on that account in the suspects possession will be taken and turned over to the Fraud Unit per the instructions in OMS 303.10(3)a2 (above).
 - b. If the complainant has checks that were previously tendered by the same person, on the same account and the total of the check(s) is \$5,000.00 or less:
 1. The complainant will be advised to contact the Denver District Attorney's Bad Check Restitution Program by calling (800) 574-5378, or at www.denverda.org.
 2. The checks that had been tendered will be left with the complainant.
 3. If the check was written on a closed account only (not insufficient funds), any other checks on that account in his possession will be taken and turned over to the Fraud Unit.
 - c. If the suspect has presented a check(s) that total more than \$5,000.00:
 1. The identity of the suspect should be verified and the suspect ordered in to the Fraud Unit for the next business day at 0900 hours.
 2. Seize all evidence, including the original check(s), receipts, and the suspect's identification(s).
 3. The arresting officer will identify and obtain written statement(s) on DPD 366 from the complainant and/or acceptor of the check and any other potential witnesses to the event.
 4. Officers will instruct the complainant to contact the Fraud Unit as soon as possible at (720) 913-6752.
 5. Advise the suspect of his/her rights and attempt to obtain a verbal or written statement.
 6. A statement will be completely filled out by the reporting officer, using DPD 366.
 7. During normal business hours, the reporting officer will hand carry all evidence, documents and statements directly to the Fraud Unit. If the Fraud Unit is closed, the reporting officer will place all evidence, documents, and statements into the locked evidence box located in the Property Bureau.

303.11 Lost or Stolen Money Orders

Unlike checks and credit cards, Money Orders are recognized by the Denver District Attorney's Office as a thing of value. As a result, cases involving the loss or conversion of a Money Order are handled as follows:

- (1) If the money order was blank at the time of the loss, the money order is considered the same as cash and will be investigated as any other theft investigation. Venue in the blank money order scenario is at the point of conversion.
- (2) If the money order was filled out at the time of the loss and altered in any way, the investigation will be handled as any other forgery investigation. Venue in the altered money order scenario can be either at the point of loss or at the point of conversion.

303.12 Criminal Possession of a Financial Device C.R.S. §18-5-903

A "Financial Device" means any instrument or device that can be used to obtain cash, credit, property, services, or any other thing of value or to make financial payments, including but not limited to:

- a. A credit card, banking card, debit card, electronic fund transfer card, or guaranteed check card;
- b. A check;
- c. A negotiable order of withdrawal;
- d. A share draft; or
- e. A money order

(1) Persons in criminal possession of stolen financial device(s) shall be charged and jailed for Investigation of Criminal Possession of a Financial Device as follows:

- a. If the suspect is in possession of one stolen financial transaction device, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 1 Misdemeanor.
- b. If the suspect is in possession of two or more stolen financial devices, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 6 Felony.
- c. If the suspect is in possession of more than four stolen financial devices issued to different account holders, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 5 Felony.

(2) The suspect and all evidence will be taken to the Fraud Unit during normal business hours.

- a. Advise the suspect of his rights and attempt to obtain a verbal or written statement.
- b. The evidence will be initialed, dated and given to the investigating detective.
- c. The arresting officer shall fill out a Statement Form, DPD 366, detailing how the evidence was discovered and seized. The arresting officer will also indicate how it was determined the financial device was verified as stolen, identifying any person providing, and verifying that the card(s) are stolen.

(3) When the Fraud Unit is closed, the following procedures will be followed:

- a. The suspect shall be processed according to OMS 104.01(24).
- b. Advise the suspect of his rights and attempt to obtain a verbal or written statement.
- c. The evidence will be initialed, dated, and placed in the Document Box located in the Property Bureau. Do not place checks, financial devices, driver's licenses, or other documentary evidence in the Property Bureau.
- d. The arresting officer shall fill out a Statement Form, DPD 366, detailing how the evidence was discovered and seized. The arresting officer will also indicate how it was determined the financial transaction device was verified as stolen, identifying any person providing and verifying that the card(s) are stolen.
- e. Any bank or financial institution requesting additional information regarding evidence seized in relation to the investigation should be directed to call the Financial Crimes Unit the following business day.

303.13 DELETED 3/13 - Examinations of Questioned Documents (See OMS 301.32)**303.14 Identity Theft and Criminal Impersonation**

Identity Theft is a Class 4 Felony. Identity Theft is defined as a person knowingly using or possessing (with the intent to defraud) another person's personal identifying information, financial information, financial identifying information, or financial device with permission or lawful authority to obtain cash, credit, property, services, any other thing of value, or to make a financial payment.

- (1) Officers shall complete a General Occurrence report from victims of Identity Theft if the offense occurred in Denver or if they are resident of Denver. This is Colorado state law and is in compliance with C.R.S. §16-5-103. Reports shall be taken despite limited information from the victim including offense location. The victim's home address can be used as the offense location for Denver residents. The report shall be titled "Identity Theft" and any additional documentation shall be forwarded to the Records Section to be scanned into RMS.
 - a. Victims can also report incidents online at www.denvergov.org/policereport
 - b. Identity Theft involving only a Traffic Violation (Municipal Code or Colorado Revised Statutes) will be investigated by the Traffic Investigations Bureau.
- (2) Suspects arrested for Identity Theft shall be processed according to OMS 303.05.
- (3) Criminal Impersonation, C.R.S. §18-5-113, is defined as a person knowingly assuming a false or fictitious identity and does an intentional act for the purpose of gaining a benefit or if such act might subject the victim to harm. Criminal Impersonation is a Class 6 Felony.
 - a. Denver Revised Municipal Code 38-40, False Information, should be cited in the vast majority of cases involving a suspect giving a false or fictitious name during police contact to avoid arrest or other reason. False Information should be charged regardless of the seriousness of any discovered warrant, significant steps taken to identify the suspect, or if the false name is an actual person.
 - b. Every attempt shall be made by officers in all arrests and order-ins to properly identify suspects including obtaining fingerprints to avoid creating identity theft victims.
 - c. For crimes involving Impersonation of a Peace Officer, refer to OMS 301.23 (9).

303.15 Forged Identifications

- (1) Officers recovering fake or forged identifications including state licenses or IDs, Military IDs, Social Security cards, and various IDs from outside the United States, shall make every attempt to establish if the ID is legitimate before any enforcement action is taken. No ID shall be seized without verification and without applicable charges. Fraud Unit detectives are available during normal business hours and the ID shall be transported to headquarters, room 106, for verification.
 - a. After normal business hours, a night-shift detective or an Identification Bureau technician shall review the ID for legitimacy. An Identification manual is available in the Identification Bureau.
 - b. An ID determined to be legitimate shall be returned to the owner and only placed into the Property Bureau, as personal property, if the owner is no longer available.
- (2) If an ID is determined to be forged, the suspect should be charged with Investigation of Possession of a Forged Instrument, C.R.S. §18-5-105, a Class 6 Felony, and Identity Theft if applicable. The evidence shall be placed into the Financial Crimes locked evidence box, and the suspect processed according to OMS 303.05.
 - a. If a suspect tenders a fake insurance card, bus pass, or other document of this nature, Denver Revised Municipal Code 38-8, Use or Offer of False Identification, can be charged. Documents shall be placed into the Property Bureau and the incident number documented on the General Sessions Summons and Complaint, DPD 236. DRMC 38-3 does not apply to possession cases. Traffic charges may also apply.

303.16 Undercover Operations and Notifications of the Financial Crimes Unit

- (1) All undercover operations or use of informants regarding any Financial Crimes, Forged IDs, or Identity Theft cases generated from the Fraud Unit shall be conducted in cooperation with the Investigative Support Division. Any such operation outside Major Crimes will require notification of the Fraud Unit and the Investigative Support Division.

304.00 - VICE/DRUG CONTROL BUREAU

The enforcement of vice and drug control laws is the responsibility of all Denver Police Officers. However, in the event of specialized and/or covert investigations dealing with vice/drug related offenses, it will become the responsibility of the Vice/Drug Control Bureau.

Prior to an investigation being conducted by other personnel of the Denver Police Department, it will be the responsibility of the officers or their supervisors to notify the Vice/Drug Control Bureau. This required notification will prevent duplication of effort and promote the safety of all officers concerned. This includes all narcotic stings, undercover buys, controlled buys, reverse operations, search warrants, prostitution stings, liquor license inspections and any other operation which would be classified as vice or drug related.

The following procedures will acquaint the officer with ways of dealing with vice/drug control violations.

304.01 Controlled Substances

- (1) Arrests (Refer to C.R.S. §16-3-102)
 - a. The majority of controlled substance arrests made by uniformed officers result from the arrest of a suspect for other charges and the subsequent recovery of controlled substances. All officers should, therefore, familiarize themselves with the laws of search and seizure found in the C.R.S. §16-3-101 through §16-3-201.
 - b. With the exception of arrests made for marijuana under one ounce, when a suspect is arrested for Investigation of Possession, Sale or Use of a Controlled Substance, the suspect and all related paperwork must be processed through the Narcotics Unit. All paperwork must be reviewed and stamped by a vice/drug control detective. When a vice/narcotics detective is unavailable, the case will be reviewed by the officer's supervisor.
- (2) Evidence - General Procedures
 - a. Maintain sole custody of any recovered substance until it is deposited in the Property Management Bureau]
 - b. Dangerous drugs/narcotics will be sealed inside a plastic evidence bag, separate from all evidence. Heat-seal the top after initialing and dating the bag. The sealed bag will then be placed in the appropriate sized Property/Evidence envelope, DPD 23, or box and seal the envelope/box with evidence tape. Initial the evidence tape. An exception is made for freshly picked marijuana which must be packaged in paper. The bag/box will be sealed with red evidence tape and initialed.
 - c. Complete the Property Invoice and Receipt, DPD 122, and place the evidence in the Property Management Bureau. It will be the responsibility of the assigned vice/narcotics detective to have the evidence analyzed after reviewing the case with the Complaint D.A.]
- (3) General Occurrence (GO) Report - These general guidelines should be adhered to when making a General Occurrence (GO) Report for a controlled substance case.]
 - a. What led the officers to make the initial arrest? (Probable Cause)
 - b. Who found the controlled substance? (Officer's Name)
 - c. Exactly where was the controlled substance found? For example: left front shirt pocket OR under front seat, driver's side OR in residence, right drawer of desk in living room.
 - d. Incriminating oral statements made by the suspects after being verbally advised must be quoted in the statement of the officer who heard the statements. All formal statements will be made on the Statement Form, DPD 366.
 - e. Which officer initialed and dated the evidence? The officer taking the evidence to the Property Management Bureau is to be listed in the General Occurrence (GO) Report. If more than one officer is involved, it is advisable that the evidence be sealed in the presence of the officers concerned.]
 - f. The evidence listed in the General Occurrence (GO) Report should correspond numerically to the items listed on the Property Invoice and Receipt, DPD 122.]

- g. The State of Colorado is listed as the victim on the General Occurrence (GO) Report in controlled substance violation.
- (4) All related paperwork will be left at the Narcotics Unit. When the Unit is closed, all paperwork will be placed in a completed Felony/Misdemeanor Arrest Envelope, DPD 130, and left in the Records Section.
- (5) Case Reports and Court Attendance
 - a. A complete file of all controlled substance reports is kept in the Narcotics Unit. The investigating detective will make all necessary reports available to the arresting officers prior to a court appearance.
 - b. Controlled substance arrests necessitate frequent appearances in court for preliminary and suppression hearings and the final trial. All pertinent information which may be required as testimony in court regarding the arrest and seizure of evidence should be listed in the General Occurrence (GO) Report and Statements.
- (6) Marijuana Arrests

C.R.S. §18-18-406(1) states any person who possesses not more than one ounce of marijuana commits a Class 2 Petty Offense and no General Occurrence (GO) Report is necessary. If there are no other offenses present, charge and order the suspect into court on the General Session Summons and Complaint. If assistance is needed in determining what charges are to be placed, contact a vice/narcotics detective for assistance.

 - a. In all arrests for marijuana under one ounce, the evidence will be handled as in a controlled substance arrest. A Laboratory Analysis Request is not needed. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
 - b. Public display of marijuana - C.R.S. §18-18-406(3) - applies to smoking marijuana in a public place or publicly displaying it in any way. Follow the same procedure as that for possession of less than one ounce of marihuana.
 - c. Possession of marijuana over one ounce, but less than eight (8) ounces, is a misdemeanor for first violations under the provisions of C.R.S. §18-18-406(4)a. A check with the Narcotics Unit will be needed before filing charges. See OMS 304.01(1).
 - d. Dispensing marijuana less than one ounce as defined in C.R.S. §18-18-406(5) is the same class offense as possession under one ounce.
 - e. Dispensing marijuana over one ounce or dispensing any amount of marijuana concentrate is a felony under the provisions of C.R.S. §18-18-46(7).
 - f. Possession of eight ounces or more of marijuana or any amount of marijuana concentrate is a felony under the provisions of C.R.S. §18-18-406(4)(b).
- (7) Unlawful Possession of an Injection Device and/or Possession of Drug Paraphernalia
 - a. When an arrest is made for the violation of the Possession of an Injection Device, place the injection device in the Property Management Bureau AS EVIDENCE and charge the suspect with Unlawful Possession of an Injection Device, Denver Revised Municipal Code (D.R.M.C.) 38-173. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
 - b. When an arrest is made for the violation of the Possession of Drug Paraphernalia, place the paraphernalia in the Property Management Bureau AS EVIDENCE and charge the suspect with unlawful Possession of Drug Paraphernalia, C.R.S. §18-18-428. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
- (8) Juvenile arrests for controlled substances will be handled by the Narcotics Section in compliance with established juvenile procedures. Any evidence seized will be handled as outlined in OMS 304.01(2).

(9) Fraud and Deceit to Obtain Controlled Substances

- a. If the suspect is present when the officer arrives, detain the suspect until verification is made through the pharmacist that the prescription is forged, stolen or altered.
 1. If the prescription is forged, stolen or altered, the suspect will be arrested for Fraud and Deceit to Obtain Controlled Substances. A General Occurrence (GO) Report will be made titled "Fraud and Deceit to Obtain Controlled Substances".
 2. If the pharmacist has filled the prescription prior to the officer's arrival, and the suspect has the controlled substance in his/her possession, the suspect will be charged with Possession of Controlled Substance and Fraud and Deceit to Obtain Controlled Substances. A General Occurrence (GO) Report will be made and titled "Fraud and Deceit to Obtain Controlled Substance" and "Possession of a Controlled Substance".
 3. The prescription and any drug obtained from the prescription will be initialed and dated by both the arresting officer and the pharmacist and placed in the Property Management Bureau as evidence. The officer must give the pharmacist a receipt showing that the prescription has been taken as evidence.
 4. In all General Occurrence (GO) Reports, list the name of the pharmacist who received the prescription, the name of the person who verified with the doctor that the prescription was forged, stolen, or altered and the name of the doctor whose signature was forged.
 5. After processing the suspect using the arrest/intake procedures outlined in OMS 104.01 (24), the arresting officer will photocopy the prescription, the arrest slip, the advisement form, and then forward these to the Narcotics Unit. The original prescription will be placed in the Property Management Bureau as evidence.
- b. If the suspect is not present when the officer arrives and the identity of the suspect is not known, do not make a General Occurrence (GO) Report. Seize the prescription as evidence and place it in the Property Management Bureau. Forward a letter immediately to the Narcotics Unit. The letter should contain the date, time, name of the pharmacy, name of the pharmacist, name of the doctor, a description of the suspect, and whether or not the prescription was filled.

(10) Possession and/or Introduction of Contraband (Controlled Substances and Marijuana only) into a Detention Facility

- a. The investigating officer must complete the following:
 1. Arrest slip (G.S.S. & C.) charging the suspect with Investigation Possession and/or Introduction of Contraband into a Detention Facility.
 2. Felony Processing forms on all defendants for the appropriate offenses.
 3. General Occurrence (GO) Report titled "Possession and/or Introduction of Contraband into a Detention Facility".
 4. Detailed statements from all Deputy Sheriffs, officers, and witnesses involved in the recovery of evidence, documenting the chain of custody.
 5. Advisement forms on all defendants
- b. If the suspect is already a prisoner at the County Jail, leave the completed arrest slip and Felony Processing form with the sheriffs and the suspect will be scheduled on the next available bus to the P.A.D.F.

If the suspect is not in custody at the County Jail for another offense, then the investigating officer must transport the suspect to the Van Cise-Simonet Detention Center for booking.

(11) Body Cavity and Strip Searches. See OMS 104.01(8).

(12) Drug Court Area Restrictions Arrests

- a. Persons who are subjects of "area restrictions" will be entered into the CCIC system by the Denver District Attorney's Office. Officers who get a hit on CCIC for this violation are to arrest the individual for probation violation, (C.R.S. §16-11-205), and bring the suspect to the Identification Bureau for confirmation of the area restriction. On the MDTs, the violation will initially be found under the corrections client format – "CCL".

1. The arresting officer will complete a General Sessions Summons and Complaint including in the probable cause, confirmation of the area the court restricted and the observations of the subject's actions. The officer will complete a one page statement.
2. If the subject is in violation of another charge, the officer will complete a second GSS&C and probable cause statement listing the second charge.
3. The original GSS&C will be left with the Detention Center Deputy Sheriff. The **District Attorney's copy of the GSS&C/s and the officer's statement will be placed in inter-departmental mail to: VICE/NARCOTICS – D.A. INTAKE – 3rd floor headquarters. DO NOT MAIL DIRECTLY TO THE D.A.'s OFFICE.**
4. During weekday hours, call (720) 913-9000 and leave a message for Chief Deputy District Attorney Greg Long that the subject has been arrested for an area restriction violation. For after hours and weekend arrests the on-call phone number of (303) 640-9707, should be used.

304.02 Liquor Violations Procedures

- (1) Any action on licensing violations as outlined in this section will be reported to the Vice/Drug Control Bureau for proper action. Arrests or citations for licensing violations should not be made without contacting a supervisor or the Vice/Drug Control Bureau. It is not necessary for officers to notify the Department of Excise and Licenses of liquor code violations, as these notifications will be made by Vice Detectives.
 - a. All requests for assistance from the detective assigned to the Director of Excise and Licenses will first be directed to a Vice/Drug Control Bureau Sergeant.
- (2) General Rules and Regulations Governing Liquor Outlets:
 - a. Conduct of establishments
 1. Each licensee will conduct their establishment in a decent, orderly, and respectable manner and will not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the senses of the average citizen or residents of the neighborhood in which the establishment is located.
 2. Violations or suspected violations of this regulation of the Colorado Liquor Code will be reported to the Vice/Drug Control Bureau on Interdepartmental Correspondence. Details, such as verified names and addresses of all parties involved, including employees, managers and/or owners present during the violation, and names of officers or complainants will be included in the letters.
 - b. The licensed premise, including any places of storage, where alcoholic beverages are stored or dispensed will be subject to inspection by peace officers during all business hours for the purpose of inspection and investigation or for the examination of inventory. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area will be made available for inspection without delay per Colorado Liquor Code.
 - c. Gambling Prohibited
 1. No licensee will allow illegal gambling on a licensed premise.
 2. If a violation is observed, seize evidence, identify the participants, and order the licensee to appear in the Vice/Drug Control Bureau. The charge of gambling has to be proven to charge the establishment with a violation. With the Order-In of the licensee, include a letter detailing the offense with names of participants and employees present. The Vice/Drug Control Bureau and/or the Department of Excise and Licenses will take the appropriate action.
 - d. Removal of Liquor from Premise
 1. No licensee, manager or agent of any establishment licensed for on-premises consumption will permit the removal of any alcoholic beverage in sealed or unsealed containers.

2. This regulation is directed at the establishment. Discretion should be used when deciding to cite or arrest the party removing liquor from the premises. Positive identification of the party removing the liquor will be obtained along with a verified address. The evidence will be seized and placed in the Property Management Bureau. The person(s) permitting the violation will be ordered to appear in the Vice/Drug Control Bureau.]

e. Unlawful sale of Liquor

1. It is unlawful to sell, serve, give away, dispose of, exchange or deliver, or permit the same of malt, vinous, spirituous liquor, or 3.2% beer to any person under the age of twenty-one (21), or to a visibly intoxicated person. It will be unlawful to sell to anyone during the hours prohibited by law.
2. This law is directed at the licensee and their employees. Do not arrest the intoxicated party for a violation of this section, unless you have other charges.
3. Attempt to determine who served the intoxicated party. Obtain positive identification and address, and make a visual sobriety evaluation of the intoxicated person. Include physical appearance, breath walk, speech, appearance of eyes, and any other observations which would indicate the intoxication of the party.
4. Include all the information obtained above in a letter to the Vice/Drug Control Bureau along with the license information and the names of all employees present and their actions. Appropriate action against the licensee will be taken by the Vice/Drug Control Bureau.

f. Age for Possession

1. It will be unlawful for any person under the age of twenty-one (21) years to possess malt, vinous, spirituous liquor, or 3.2% beer in any store, in any public place, including public streets, alleys, roads or highways, or inside vehicles while upon the public streets, alleys, roads or highways.
2. Persons in violation of this section should be cited or may be ordered-in to the Vice/Drug Control Bureau for Investigation Violation Colorado Liquor Code. The order-in must be accompanied by a detailed letter and Juvenile Case Summary if the violator is a minor.
3. Seal any opened liquor and transport it to the Property Management Bureau.]
4. A General Occurrence (GO) Report is required only if the arrest resulted from a bootlegging incident. See OMS 304.02(2)i.

g. Purchase of Liquor by Misrepresentation of Age

1. Obtaining 3.2% beer or malt, vinous, or spirituous liquor by misrepresentation of age from any licensed establishment is a violation on the part of the person and not the establishment.
2. If a person presents false identification, this should be seized as evidence along with the liquor purchased and placed in the Property Management Bureau.]
3. If the false identification appears adequate, obtain the name of the party and the establishment which sold to or served the party and include this information in a letter to the Vice/Drug Control Bureau.
4. If the identification does not appear adequate, order the party who made the sale and the licensee into the Vice/Drug Control Bureau.
5. The person making the purchase, at the discretion of the officer, can be arrested for Violation of Colorado Liquor Code or ordered-in to the Vice/Drug Control Bureau.
6. When a person is ordered-in for this violation, a detailed letter on Inter-Departmental Correspondence, DPD 200, must be sent to the Vice/Drug Control Bureau if the violator is a minor.

h. Establishing Age

1. A licensee or employees thereof are not required to obtain identification of age prior to the sale of alcoholic beverages, but do so at their own risk.
2. The Colorado Liquor Code rules and regulations state: Licensees may refuse to sell alcoholic beverages to any person unable to produce adequate, currently valid identification of age. The kind and type of identification deemed adequate under this section will be limited to the following:
 - a. Colorado Operators License
 - b. Identification Card issued in accordance with C.R.S. §42-2-302
 - c. An operators, chauffeurs license, or similar type drivers license containing a picture issued by another state
 - d. Identification card containing a picture issued by another state for the purpose of proof of age
 - e. Military identification cards
 - f. Passport
 - g. Alien Registration card
3. Licensees or employees thereof are authorized to confiscate suspected fraudulent identification and turn it over to police.
 - a. If a suspect is not being detained, the complainant will be advised to mail the fraudulent identification and a note explaining the circumstances to:

The Manager of Excise and Licenses,
Attn: Detectives
200 W. 14th Avenue
Denver, Colorado 80204
 - b. If a suspect is being held, an officer will be sent and appropriate action will be taken.

i. Bootlegging

1. The sale of alcoholic beverages during the hours not permitted by law and without the proper City and State license is illegal.
2. If officers have evidence to prove the illegal sale or purchase of liquor, they should identify the persons involved, seize the evidence and arrest or order-in the persons involved. A letter detailing the facts of the violation should accompany the General Occurrence (GO) report to the Vice/Drug Control Bureau.
3. Officers with information of possible illegal bootlegging activity who do not have sufficient evidence for an arrest should forward the information to the Vice/Drug Control Bureau.

(3) General Information and Procedures:

- a. All order-ins to the Vice/Drug Control Bureau should be made for 6:00 p.m., Tuesday through Saturday. A letter to the Vice/Drug Control Bureau detailing the incident must accompany the order-in.
- b. The only liquor violation for which a General Occurrence (GO) Report is required is Bootlegging. If there are any questions, contact the Vice/Drug Control Bureau or a supervisor.
- c. When the evidence is suspected liquor it should be placed in the Property Management Bureau as evidence.
 1. Ice should be immediately removed from drinks to be held as evidence.
 2. Whenever possible leave drinks in their original containers. If they must be removed from the original containers, such as when in paper cups, place the paper cup in as evidence with the drink.

3. The Property Management Bureau has parafilm to seal open bottles and glasses. Stretch parafilm over the opening and seal with tape. Initial this seal and seal in plastic bag. The custodian on duty will give directions in this procedure.]
- d. Establishments licensed for consumption on premises require the observation of an illegal consumption for a liquor violation. Therefore, do not arrest if the person merely has liquor in his/her possession.]
- e. No police officer, including vice officers, have the authority to order the closing of any liquor licensed outlet. An exception to this rule are outlets ordered closed by the Director of Excise and Licenses.
- f. It is only a violation of the Colorado Liquor Code to actually serve and consume an alcoholic beverage after serving hours. This does not give any officer, including a Vice/Drug Control officer, the authority to remove patrons from liquor outlets after legal serving hours.
- g. Reports or information received by any officer where action cannot be taken because of lack of evidence or other reason, will be reported to the Vice/Drug Control Bureau by letter for further investigation.

304.03 Gambling

- (1) Due to the close relationship between professional gambling and other organized crime, the Denver Police Department will enforce city ordinances and state statutes in accordance with the legislative declaration contained in Colorado Revised Statutes (C.R.S.) §18-10-101, which reads in part: "to restrain all persons from seeking profit from gambling activities in this state; to restrain all persons from patronizing such activities when conducted for the profit of any person; to safeguard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press and to avoid restricting participation by individuals in sport and social pastimes which are not for profit, do not affect the public, and do not breach the peace."]
- (2) Colorado Revised Statutes (C.R.S.), and Colorado Beer and Liquor Codes. See C.R.S §18-10-102 for all definitions related to gambling.]
 - a. "Gambling" is defined under Colorado Law as follows: Risking any money, credit, deposit, or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking the risk has no control.
 1. Exceptions include: Bona fide contests of skill, speed, strength, or endurance in which awards are made only to entrants or the owners of entries; or
 2. Any game, wager, or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly in professional gambling.
 - b. "Professional Gambling" is defined as Aiding or inducing another to engage in gambling, with the intent to derive a profit there from, or participating in gambling and having, other than by virtue of skill or luck, a lesser chance of losing or a greater chance of winning than one or more of the other participants.
 1. It often requires an undercover officer in the game to prove the elements outlined in professional gambling. Any officer with information or knowledge of professional gambling operations, short of that necessary for arrests, should contact the Vice/Drug Control Bureau which will lend the assistance necessary to further the investigation.
 - c. C.R.S. §18-10-103 through §18-10-107 makes it illegal to engage in professional gambling, possess gambling devices or records, transmit gambling information, or to keep a gambling premises (see these statutes for exact wording.)
- (3) Denver Revised Municipal Ordinances (D.R.M.C.)]
 - a. D.R.M.C. 39-22(b) states, "It will be unlawful for any person to participate in gambling, including social gambling, which is incidental to a bona fide social relationship, within any city park."

- b. D.R.M.C. 38-146 (a) states, "It will be unlawful for any person to participate in gambling, including social gambling which is incidental to a bonafide social relationship, on any public street or way."

(4) Arrests made for state statute violations

- a. Call for assistance from the Vice/Drug Control Bureau which will respond when available.
- b. Take custody of and mark all evidence, note who had custody of the evidence when seized, where seized, etc., and place in the Property Management Bureau.
- c. Call the Crime Laboratory to take photographs of the evidence at the crime scene, if appropriate.
- d. Make a General Occurrence (GO), DPD 250, detailing the offense and write a letter to the Vice/Drug Control Bureau outlining the details of the offense which may not be included in the General Occurrence (GO) Report, but may be helpful to the filing detectives. Include copies of arrest slips, custodian invoice numbers, etc. It is imperative that the detective assigned the case be given the most complete information possible.
- e. The suspect will be processed and jailed for investigation, specifying the state statute which has been violated.

(5) Arrests made for municipal ordinance violations

- a. Officers observing such gambling violations will, at their discretion, charge all the parties involved in the gambling with D.R.M.C. 39-22(b), Gambling in Parks, or 38-146(a), Gambling.
- b. Evidence, such as money, cards, etc. will be placed in the Property Management Bureau.
- c. Violators will be ordered-in or jailed at the officer's discretion.
- d. For assistance in enforcing these ordinances, contact the Vice/Drug Control Bureau or a supervisor.

(6) Procedures for violations of the Colorado Beer Code and the Colorado Liquor Code

- a. Contact the Vice/Drug Control Bureau for assistance.
- b. If unable to contact the Vice/Drug Control Bureau, follow the below procedures:
 - 1. Order-in all players to the Vice/Drug Control Bureau for 6:00 p.m., Tuesday through Saturday.
 - 2. Officers involved should make written statements and forward them with the order-ins to the Vice/Drug Control Bureau.
 - 3. Determine the identity of the manager(s) or person(s) in charge of the licensed establishment and order them in for the same time as the players.
 - 4. Do not make a General Occurrence (GO) report. If one is necessary, it will be made by Vice/Drug Control Bureau personnel.

(7) Gambling confidence games, such as Three Card Monte, Three Card Molly, the Shell Game, the Figure Eight Chain Game, or any other gambling confidence game where the participant has absolutely no chance of winning are not covered by state or municipal gambling laws. These games are prohibited by state and municipal laws pertaining to robbery and theft and are investigated by the Vice Section.

- a. When a person loses money or any thing of value in a gambling confidence game, the following procedure applies:
 - 1. If the suspects are present:
 - a. If adult suspects are present, they will be arrested. The charge will be Theft (Gambling). They will be processed according to the theft offense bonding schedule.
 - b. Juvenile suspects present will be processed according to OMS 405.00, Detention Procedures, or OMS 407.00, Juvenile Order-Ins.

- c. A General Occurrence (GO) Report will be made which includes positive identification of the suspect(s) and a formal statement by the victim.
 - d. DO NOT charge with Petty Theft, 38-51(8). This is a city ordinance and a misdemeanor. Theft (Gambling) may be a misdemeanor or felony, depending on the value of the property taken by the suspect.
 - 2. If the suspects are not present:
 - a. Complete a General Occurrence (GO) Report titled Theft (Gambling).
 - b. Obtain a formal statement from the victim.
 - c. Both will be forwarded to the Vice/Drug Control Bureau for follow-up investigation.
 - 3. Money, cards, and any other evidence seized will be placed in the Property Management Bureau.
- b. If, during the gambling incident, money or a thing of value is taken from the victim, the Vice/Drug Control Bureau will investigate. The following procedure applies:
 - 1. If the money or thing of value was taken by means of force, threats or intimidation, a General Occurrence (GO) Report will be made titled Robbery (Gambling). If the suspects are present, they will be jailed for Investigation Robbery (Gambling).
 - 2. If the money or thing of value was taken by means other than force, threats or intimidation, a General Occurrence (GO) Report will be made titled Theft from Person (Gambling). If the suspect(s) are present, they will be jailed for Investigation of Theft from Person (Gambling).
- c. Victims of Confidence Games are often reluctant to admit involvement in actually playing the game as they feel they are part of the "crime". They are, however, victims rather than co-conspirators because they had no chance of winning.
 - 1. When the victim admits to playing the game, charge the suspects with Theft (Gambling).
 - 2. If the victim denies playing the game, the charge is Theft From Person.

304.04 Pornography

- (1) Legislation on and definitions of pornography change rapidly across the nation. Therefore, any officer who suspects the illegal sale, possession or production of pornography should advise the Vice/Drug Control Bureau which will act on the information in accordance with current legislation and inform the reporting officer of the action taken.
- (2) If an officer receives a complaint on pornographic literature, or sale of pornographic literature, they should refer the party to the Vice/Drug Control Bureau.

304.05 Bottomless and Topless Entertainers

- (1) The law most applicable to violations by topless and bottomless dancers is defined under public indecency. If an officer observes any violation of this section of the Denver Revised Municipal Code (D.R.M.C.) occurring in a licensed liquor establishment or any establishment licensed to do business by the City and County of Denver and/or State of Colorado, an attempt should be made to contact a Vice/Drug Control Bureau officer. If none is available, the incident should be reported to the Vice/Drug Control Bureau on Inter-Departmental Correspondence, DPD 200. Assigned personnel will then take the appropriate action against the licensee.
- (2) D.R.M.C. Section 38-157 makes the performance of an act of public indecency illegal. The definition of an act of public indecency is found under Section 38-156 of the D.R.M.C.
- (3) A recent court decision, pointed out that the mere charge of public indecency was vague and did not tell the person charged what they did that violated the ordinance. Therefore, it is necessary when filling out the General Sessions Summons and Complaint to do it as follows: "38-157 Public Indecency as defined by Section 38-156."

304.06 Prostitution or Procuring

(1) Definitions:

- a. Prostitution: Any person, either male or female, who performs offers, or agrees to perform any act of sexual intercourse, or any act of deviate sexual intercourse, with any person not the spouse of such person, in exchange for money or other thing of value, commits prostitution.
- b. Deviate sexual intercourse: Any act of sexual gratification between human beings who are not husband and wife, involving contact of the genital organ of one and the mouth or anus of the other.
- c. Patronizing a prostitute 38-158(7): It will be unlawful for any person to engage in or offer or agree to engage in an act of sexual intercourse or deviate sexual conduct with a prostitute or to enter or remain in a place of prostitution with the intent to engage in an act of prostitution or deviate sexual conduct.

(2) Procedures for Uniform Personnel

- a. Uniform personnel may make stops and arrests for prostitution. Officers should use a great deal of discretion and follow the guidelines herein.
- b. Numerous court cases have spelled out guidelines for an officer to use to make the determination an act of prostitution is about to be committed. They are:
 - 1. A male, female or female impersonator known to the officer to have been previously arrested for soliciting for the purpose of prostitution or prostitution: strolling in an area known for a high incidence of prostitution; and contacting numerous parties.
- c. When the above facts are known to the uniform officer and he observes the suspect party picked-up, he should, if possible, remain undetected and allow the parties time to make a prostitution "deal". Remember that prostitution requires only the offer and/or agreement to commit an act of prostitution. Once the officer feels there is an agreement between the parties, he should stop and immediately contact the parties. The parties should be stopped prior to entering a private residence such as an apartment or house.
- d. Once contacted, the parties should be advised of their rights and the officer should advise them of the suspicions. If either party is willing to give a formal written statement which contains the sexual act offered and/or agreed upon, and the price, this constitutes grounds for arrest.
- e. The patron and prostitute should be charged directly on a General Session Summons and Complaint with the proper city ordinances. The arresting officer, with supervisory approval, has the discretion to jail or order-in the parties involved.
 - 1. The party who "solicited for prostitution" should be charged with 38-158(1).
 - 2. The prostitute should be charged with "prostitution", Section 38-158(7) and may also be charged with "soliciting for prostitution", Section 38-158(1).
 - 3. The party who patronized a prostitute may be charged with "patronizing a prostitute" 38-158(7).
- f. Although co-defendants cannot be compelled to testify against each other, arresting officers will list the patron as a witness on the back of the prostitute's arrest slip and list the prostitute as a witness on the back of the patron's arrest slip.
- g. The following paperwork will be sent to the Vice/Drug Control Bureau:
 - 1. Copies of the front and back of the City Attorney's copy of the General Sessions Summons and Complaint
 - 2. All statements and advisement forms
 - 3. A letter from the arresting officer detailing the incident
- h. The arresting officer's report and original statement will be kept in the Vice/Drug Control Bureau files and will be available to the arresting officer for court.
- i. Only Vice Bureau officers may issue a Health Order In to a person arrested for prostitution.
- j. A general Vice Bureau car should be requested, if available, for all prostitution arrests.

(3) Prostitution Area Restriction Guidelines

- a. Persons who are subjects of area restrictions will be entered into the CCIC system by the Denver County Court. The Denver County Court Warrants Division will maintain these records and provide status verification of all area restriction files.
- b. Officers who observed an individual or suspect who may be in violation of a prostitution area restriction, or are in contact with a subject and receive a CCIC hit for a prostitution area restriction, must verify the status of the restriction with NCIC personnel.
- c. If the restriction is valid, and the subject is physically located within the area of restriction without legal justification, the officer shall arrest and charge the individual with "Violation of Court Order", Section 38-43. [Legal justification may include, but are not limited to, lawful employment, hospital or doctor visits, treatment center appointments or a written exemption issued by the court. If an exemption is granted by the court, the individual must have the court-ordered pass in their possession. Officers should exhaust all efforts to verify the validity of an individual's claim of a legal justification or exemption. If reasonable doubt exists about the individuals' claim, the subject will be detained. Statements made by the subject regarding these claims will be included in the probable cause statement].
- d. Following an arrest for an area restriction, the officer will transport the subject to the Identification Section at Police Headquarters. The arresting officer will obtain a computer generated copy of the area restriction from Identification Section personnel.
- e. The arresting officer will complete a General Sessions Summons and Complaint. In the "other violations" section, enter DRMC 38-43; Violation of Court Order, Prostitution Area Restriction. The probable cause section of the GSS&C should include confirmation of the area the court restricted, the exact location of the suspect when contacted and the arresting officer's observations of the suspect's actions.
- f. If the suspect is in violation of another law, (Denver Revised Municipal Code or State Statute), normally charged on a GSS&C, the officer may add those charges on the same GSS&C.
- g. The arresting officer shall make a photocopy of the GSS&C and computer generated copy of the area restriction, and then forwards these copies to the Vice Bureau Sergeant. Attach the original area restriction printout to the City Attorney's copy of the original GSS&C. The suspect will then be jailed with the original GSS&C.

(4) Health Order-In (HOI) Arrests

- a. Only Vice Bureau officers may issue a Health Order In, DPD 190, to a person arrested for prostitution. All other officers are authorized to arrest individuals that have failed to appear for a Health Order In. A list of those individuals that have failed to appear for a HOI is maintained by the Vice Bureau.
- b. Officers who contact a person that appears on the HOI list should attempt to contact a general Vice officer for verification of that person's current status. If unable to locate a general Vice officer, call the Vice Bureau at 720-913-6060 and request a manual search of the Health Order In records for verification. In the event that verification cannot be established, release the person and document the contact on an Inter-Departmental Correspondence, DPD 200. Prior to the end of your assigned shift send the form through Inter-Departmental mail to the Vice Sergeant. **DO NOT ARREST AN INDIVIDUAL SOELY ON THE BASIS OF THEIR NAME APPEARING ON THE HOI LIST. CONFIRMATION MUST BE OBTAINED FROM THE VICE BUREAU PRIOR TO ANY ARREST.**
- c. Upon verification of the person's current status on the HOI list, the prisoner is to be transported to Police Headquarters for processing. After securing the prisoner, respond to the Vice Bureau and ask a receptionist or Vice detective to retrieve the original #1 and #2 copies of the Health Order In. After receiving these documents, make photocopies of both onto one sheet and attach the photocopy to the City Attorney's copy of the GSS&C. The GSS&C will be completed as follows:

Location of General Occurrence (GO)	605 Bannock Street
Date & Time of General Occurrence (GO)	Refer to the appearance date listed on the original HOI, and the time as 1600 hours.
Violation	Charge the person with Refusal to Submit to a Health Exam, Section 24-132(d)
Complainant	This line should list the Vice officer who served the Health Order In
Officer	Name of the arresting officer

- d. The officer will complete all other necessary and relevant information on the GSS&C, and include in the probable cause section the date that the original HOI was issued, the name of the detective that issued the original HOI and the appearance date that the person failed to appear.
- e. After completing the face of the GSS&C, complete the reverse section including the following information:
 - Victim's name** Sarah Jones, 605 Bannock Street, Denver, CO 303-436-5422
 - Witness** Officer that issued/served the original HOI to the suspect
 - Witness** Officer that arrested the suspect for Refusal to Submit to a Health Exam
- f. Upon completion of the GSS&C, jail the suspect and attach the original copies of the Health Order In to a photocopy of the GSS&C, then mail these documents through Inter-Departmental mail to the Vice Sergeant.
- g. If the suspect is in violation of another ordinance, the officer will complete a second GSS&C and probable cause statement listing the second charge.

304.07 Use of Military Personnel in Investigations

- (1) The use of military personnel for any type of investigation is prohibited.
- (2) It is against military regulations to enlist the aid of military personnel in investigations conducted by civil police.

304.08 Anonymous Complaints

- (1) All personnel are directed to be very circumspect about investigating anonymous complaints.
- (2) If the complaint concerns an individual or a location which can be investigated by surveillance, then we can accept it and act.
- (3) If the complaint is an accusation from one person against another, we will not investigate the matter in any way, unless the complainant identifies themselves.
- (4) The complainant must also agree to either appear as a witness or sign a formal complaint against the accused, if apprehended.

304.09 Hotel Checks

- (1) Violations by the operators of hotels must be recognized, in addition to violations by the occupants.
- (2) A proper registration record must be maintained by the operator. By city ordinance, this record must be available for inspection by police officers.
- (3) Whenever an arrest is made that involves hotel registrations, the hotel register is to be confiscated, identified, and properly tagged as evidence at the time of the arrest and incidental to the arrest or order-in, whichever the case may be.
- (4) Copies of the front and back of the City Attorney's copy of the GSS&C, the statements and advisement forms and a letter detailing the incident should be sent to the Vice/Drug Control Bureau. Vice officers will type a Vice Case Summary on the arrest. The statements will be placed with the summary in the Vice Bureau files. The report and original statement will be available to the arresting officer for court.

304.10 Drug Related Currency Seizure

- (1) Money recovered in a drug related City Ordinance violation or State misdemeanor case and/or arrest will not be seized as evidence nor placed into the Property Management Bureau as evidence.]
- (2) Under Colorado law (C.R.S. §16-13-303), drug-related currency under \$1,000 will not be held for seizure without extenuating circumstances which could include but are not limited to the following:
 - a. Currency recovered in proximity to narcotics found to be packaged for distribution or sale.
 - b. Any other articulable evidence that would tend to show a link to the currency and narcotic distribution or sale.
- (3) A detective or supervisor assigned to the Vice/Drug Control Bureau must approve the submission of any currency to be placed in the Property Management Bureau as evidence in a felony drug-related case and/or arrest. Approval may also be obtained from any other supervisor authorized to do so by a command officer from the Vice/Drug Control Bureau.]
 - a. The Vice/Drug control Bureau will provide the Property Management Bureau with a list of all Supervisors not assigned to the Vice/Drug control Bureau who are authorized to approve the submission of currency to be held as evidence in a drug case.]
 - b. Members of the Vice/Drug Control Bureau can be contacted twenty-four (24) hours per day, seven (7) days per week. During normal business hours, they can be contacted at 720-913-6060. During non business hours, they may be contacted through Denver 911.]
- (4) If currency that has not been approved for submission to the Property Management Bureau as evidence needs to be placed into Property Management Bureau, it will be entered as personal property.]
- (5) Drug-Related Currency Evidence Form
 - a. When any amount of drug-related currency is approved to be held as evidence in the Property Management Bureau, the submitting officer will complete the Drug Related Currency Evidence Form, and a Property Invoice and Receipt, DPD 122.]
 - b. The Drug-Related Currency Evidence form must include the name and badge number of the Vice/Drug Control Bureau detective or supervisor approving the currency seizure and the Property Invoice and Receipt, DPD 122.
 - c. The Property Management Bureau will attach the Drug-Related Currency Evidence Form to a copy of the Property Invoice and Receipt, DPD 122, and forward it to the Vice/Drug Control Bureau.]
- (6) Vice/Drug Control Bureau Responsibilities
 - a. The Vice/Drug Control Bureau will log all Drug-Related Currency Evidence forms immediately upon receipt from the Property Management Bureau.]
 - b. The member of the Vice/Drug Control Bureau who approved the currency seizure or their supervisor will return a copy of the Drug-Related Currency Evidence Form to the Property Management Bureau with the name and the badge number of the investigator assigned to the case.]
 1. A copy of this form will be returned to the Property Management Bureau within three (3) business days.]
 2. The original form will be retained in the Vice/Drug Control Bureau case files.
 - c. After consulting the appropriate prosecutor, the Vice/Drug control Bureau investigator assigned to the investigation will notify the Property Management Bureau within thirty (30) days if it will be necessary to continue the evidence hold.]
 1. If a hold is no longer necessary, the assigned investigator will change the status to Personal Property and send a card to the person from whom the currency was seized, notifying them that they may claim their currency at the Denver Police Department Property Management Bureau.]

304.11 Prostitution Offenses Relating to Sex Trafficking and Exploitation (Revised 03/2013)

- (1) Policy
 - a. As specified in the Victims of Trafficking and Violent Protection Act of 2000, the United States Congress defines sex trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
 - b. The Denver Police Department recognizes that victims of human sex trafficking are being forced into involuntary servitude and as such are stripped of their basic human rights under the 13th Amendment of the United States Constitution. Therefore, the Denver Police Department is committed to investigating all instances of suspected human sex trafficking in the City and County of Denver.
- (2) Procedures for Uniform Personnel
 - a. Officers shall immediately notify the Vice Unit supervisor through a Denver 911 supervisor (720-913-2012) for all investigations involving child prostitution and/or sex trafficking.
 - b. Vice personnel will respond to the scene of investigations involving child prostitution and/or sex trafficking. If Vice personnel are unavailable to respond, the Vice supervisor or detective will provide officers with instruction on how to proceed.
 - c. All cases involving prostitution by a child, prostitution of a child, domestic trafficking of women and children and sexual exploitation for prostitution will be handled in similar fashion:
 - 1. Officers should separate all involved parties.
 - 2. In suspected human trafficking cases, women and juveniles should be treated as victims.
 - 3. Officers should consider the location of the contact a potential crime scene and secure it pending further instruction from the assigned investigator. Locations may include but are not limited to: vehicles, hotel rooms, houses, and/or street contacts.
 - 4. Vice Unit personnel should be contacted prior to: interviews with suspects and victims, victim or child protective custody decisions, placement of juveniles, parental notification and charging of suspects.
- (3) Vice Personnel responding to a child prostitution and/or sex trafficking crime scene will assess the situation and determine how to proceed with the following:
 - a. Protective Custody reference the victim or child
 - b. Parental or guardian notification
 - c. Juvenile custody or placement
 - d. All needs concerning search warrants
 - e. Evidence collection
 - f. Suspect and/or juvenile interviews
 - g. Suspect and/or juvenile charges
 - h. Scene documentation
 - i. Victim assistance notification
 - j. All other criminal investigative matters applicable to the offense (s) as well as coordination with other investigative units and/or agencies.

305.00 – PROPERTY RECOVERY UNIT

305.01 Procedures

- (1) The primary function of the investigators assigned to the Pawnshop Unit is to call on the pawnshops and second-hand stores in Denver and examine the daily record of loans and purchases.
- (2) In an effort to return the stolen property to the rightful owners, the pawnshop and second-hand store operators are required to maintain an accurate record of every transaction. This will include any item they purchase or any item for which they loan money.
- (3) A record of each pawnshop's transaction(s) are kept by the Pawnshop Unit in the Records Section.
 - a. Periodic spot checks shall be made, comparing the pawnshop or second-hand store transaction slips against the property to assure accuracy and completeness of the -receipts.
 - b. When stolen property has been located in a pawnshop or second-hand store, the Pawnshop Unit shall place a police hold on the property. A check will then be made to verify the property as stolen.
 1. Out-of-state and county stolen property will be verified by the Pawnshop Unit. Impounding and returning of property to out-of-state and county agencies shall be the responsibility of the Pawnshop Unit. Property shall be sent only to law enforcement agencies.
 2. Stolen property recovered from Denver County cases shall be verified by the detective assigned to the case, or another officer appointed by their supervisory officer to handle the property.
 3. The responsibility to continue the police hold, cancel the police hold, impounding and/or returning the property shall rest with the assigned detective or appointed officer.

305.02 Placing Hold Orders, Seizing & Releasing Property from Pawnshops & Secondhand Stores (REV. 03-2013)

- (1) No "hold" will be placed on any property located in a pawnshop, secondhand store, or other such outlet without making immediate notification to the Pawnshop Records Bureau. Notification shall be made on the Pawnshop Detail, Request for Property Hold/Pickup, DPD 739..
 - a. The notification must include:
 1. DPD case number.
 2. Name and badge number of officer making request.
 3. Business name and address.
 4. Detailed description of property, including serial number(s) if available.
 5. Name and DOB of the individual pawning the items.
 6. Pawn ticket or transaction number.
 7. Clarification of whether the original pawn ticket will be needed.
 - b. Any "hold" will automatically terminate after thirty (30) days, unless the hold is renewed for another thirty (30) days and the Pawnshop Unit is notified of the renewal.
- (2) No property will be seized from these outlets without a valid search warrant. The owner of the establishment may, however, voluntarily waive his/her right to have a warrant obtained.
 - a. The Pawnshop Unit must be notified of any property seized from such establishments by warrant or waiver. This notification will include a detailed description of the property and its location.
 - b. All seized property must be held for a minimum of twenty (20) days. It will not be released to any owner or claimant.
- (3) The person in possession of the seized property must be advised that he/she has twenty (20) days to file a motion for a hearing to determine ownership of the seized property. The person may also waive the right to such hearing. If no hearing is held, the police may dispose of the property after twenty (20) days.
- (4) Preferably the Pawnshop Unit should handle all such Holds, Seizures, and Disposals.

REV. 3-06

- a. The Pawnshop Unit will maintain a file of all property on hold, seized, and released pursuant to these procedures.
 - b. The Pawnshop Unit will use a Property Recovery Waiver, DPD 187, for the seizure of property from pawnshops, secondhand stores, and such establishments.
 - c. The form will advise the property owner of certain rights regarding the property to be seized and provide for a waiver of those rights.
 - d. The form also provides for a copy of a Motion for Return of Property to be served on the supervisor of the Pawnshop Unit.
- (5) Officers will not place holds, etc., on property located in shops outside of the City and County of Denver without first going through the agency of the proper jurisdiction. Likewise, agencies outside of Denver will be notified that they must first contact the Pawnshop Unit prior to placing holds on property in Denver shops.

306.00 - RESERVED

307.00 - CONFIDENTIAL INFORMANTS

(1) Policy:

- a. Individuals from all segments of society frequently provide valuable information that assists law enforcement officers in the performance of their duties. The full and proper use of confidential informants as sources of information is a critical component in effective criminal intelligence gathering, case development, suspect apprehension, and successful prosecution. Officers are encouraged to develop informants within the following guidelines.
- b. The safety of officers along with protecting the integrity and public image of the Denver Police Department are of paramount importance. The use of informants can be a hazardous endeavor and great care should be exercised when developing and using informants. All officers must ensure that the potential risks of utilizing an informant are outweighed by the potential benefits that may be derived from the use of the informant. In addition, officers must employ proven investigative strategies to corroborate information provided by informants (i.e. surveillance, controlled buys, analysis of background, and intelligence information).
- c. All Denver Police Department confidential informant files and records are the property of the Chief of Police and will be permanently retained in a secure manner by the Division Chief of Criminal Investigations. They may not be viewed by anyone except with permission from the Chief of Police.
- d. Should an exigent circumstance arise that necessitates that the identity of a cooperating source or sources be kept confidential, the Chief of Police may select a designee to review, approve, manage, and maintain the confidential informant(s) file(s). In those instances, the designee identified by the Chief of Police will be tasked with complying with all aspects of OMS 307.00, Confidential Informants. The designee will be required to provide written documentation outlining the need for the invocation of this portion of OMS 307.00.

307.01 Informant Categories and Classification

(1) All Denver Police Department informants are categorized as one of the following:

- a. **Participating Informant:** - Informant acting under the specific direction of a Primary Control Officer with command approval.
- b. **Non-Participating Informant:** - Informant whose cooperation may be sporadic or irregular and is accomplished independent of the officer's guidance, (e.g. hotel clerk, airline receptionist, security guard, etc.).

(2) Classification of Denver Police Department Informants:

- a. **Class 1** - Persons who have a serious criminal record, (i.e. felony offenses which include, but are not limited to: robbery, sexual assault, aggravated assault, assault on a peace officer, etc.), or have a known propensity for violence.
 1. Before using a Class 1 informant, the Primary Control Officer must complete the informant activation procedure and
 2. Obtain the assistance of the appropriate investigative bureau/unit. Note: For purposes of this policy, the appropriate investigative bureau/unit shall be defined as the investigative unit that will prepare a criminal case filing to be presented to the Denver District Attorney's Office or any other prosecutor having jurisdiction.
 3. The Primary Control Officer must coordinate all activity with the investigator who will prepare a criminal case filing for presentation to a prosecutor. In doing so, the investigator will ensure that the investigation is conducted in accordance with applicable laws, policies, and sound investigative techniques. The investigator will also ensure that all evidence needed for case acceptance is properly collected.
- b. **Class 2** - Persons who do not have a criminal record or known propensity for violence, or persons with criminal records for offenses other than those described above in regards to Class 1 Participating Informants (i.e. burglary, theft, drug offenses, etc.), or persons with a reputation for involvement/association with the criminal element.
 1. Participating

- [a. Prior to utilizing a Participating Class 2 informant, the Primary Control Officer must complete the informant activation procedure and obtain the assistance of the appropriate investigative bureau/unit.
- [b. The Primary Control Officer must coordinate all activity with the investigator who will prepare a criminal case filing for presentation to a prosecutor. In doing so, the investigator will ensure that the investigation is conducted in accordance with applicable laws, policies, and sound investigative techniques. The investigator will also ensure that all evidence needed for case acceptance is properly collected.
- [2. Non-Participating: It is not necessary to follow informant activation procedures when using non-participating Class 2 informants, unless the informant receives payment or official consideration.

307.02 Informant Registration

- [(1) Officers shall register participating informants through the chain of command and submit documentation to the Division Chief of Criminal Investigations prior to utilizing informants or any information received from the informant.
- (2) If an exigent circumstance exists, such as the need to prevent a serious crime, and there is not sufficient time to register an informant, officers shall obtain the assistance of their immediate supervisor for guidance prior to utilizing the informant.
 - a. The immediate supervisor will determine the actions to be taken.
 - [b. The supervisor shall coordinate efforts with the appropriate investigative bureau/unit and with the on-call Deputy District Attorney until such time when the informant can be properly registered.
 - c. Prior to the conclusion of that tour of duty, the supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. For purposes of confidentiality, correspondence will be forwarded to the intended recipient in sealed envelopes.
- (3) An officer who registers an informant shall be the Primary Control Officer for that informant. The Primary Control Officer's immediate supervisor shall be the Informant Supervisor. The Informant Supervisor must hold the rank of Sergeant or above and may, when circumstances require, perform the function of Primary Control Officer. There shall be only one (1) Primary Control Officer, one (1) Secondary Control Officer, and one (1) Informant Supervisor for each Denver Police Department informant. The Primary Control Officer shall be responsible for the supervision of the informant. The informant supervisor may authorize the Secondary Control Officer to supervise the informant in the absence of the Primary Control Officer. The Primary Control Officer and the Secondary Control Officer must be assigned to the same bureau/district.
- (4) Officers shall inform their supervisor of any information pertaining to criminal activity received from an informant that is outside the realm of the Primary Control Officer's investigative responsibility. This information shall be documented by the Primary Control Officer, using an Inter-Departmental Correspondence, DPD 200, and forwarded to the appropriate investigative bureau/unit prior to the end of their shift. The appropriate investigative bureau/unit is defined as the bureau/unit which would be tasked with investigating and handling the case filing on the criminal activity received from the informant. (e.g. Robberies information to Robbery, burglary information to district investigative unit, etc.)
- (5) All informants shall have a Registration Packet on file in the Office of the Division Chief of Criminal Investigations. The informant registration process/packet shall include the following items:
 - a. Informant Information Package, DPD 563.

- b. Confidential Informant Personal History, DPD 561
The Primary Control Officer will debrief the informant, with the approval of his/her immediate supervisor, and complete this form. This supervisor shall be listed as the Informant Supervisor. The applicant will sign the card with both his/her true name signature and code name signature. The Primary Control Officer shall positively identify the applicant before submitting the packet for review and approval.
 - c. Confidential Informant Liability/Waiver/ Conduct Agreement, DPD 564
Completed by the Primary Control Officer with the approval of the Informant Supervisor.
 - d. Informant Activation Report, DPD 560
 - e. Defendant Cooperation Agreement, DPD 566
Applicable only in those cases where consideration for a pending criminal or traffic matter is requested in exchange for assistance to law enforcement authorities.
 - f. Confidential Source Information File (Payment Record), DPD 336
 - 1. This card shall be maintained by the Commanding Officer (or his/her designee) of the bureau/unit which dispenses funds for informant payments, (e.g. Vice/Drug Control Bureau, Intelligence Bureau, Front Range Task Force, Office of the Division Chief of Criminal Investigations, Metro Gang Task Force, etc.).
 - 2. The cards will be maintained in a secure location at all times.
 - 3. Completed cards shall be retained in the Office of the Division Chief of Criminal Investigations as part of the informant's permanent record.
 - 4. The applicant will sign the card with his/her code name signature. The signature must be legible.
 - 5. The Primary Control Officer's supervisor, (Informant Supervisor), shall compare the code name signature on the Confidential Source Information File (Payment Record), DPD 336, with the code name signature on the payment voucher prior to approving the payment voucher. In those instances where the voucher signature does not match the signature maintained on file, it will be the responsibility of the Informant Supervisor to investigate the discrepancy prior to approving the voucher.
 - g. Confidential Source Information File (Identity) (blue card), DPD 336A. This card will be completed and submitted with the Registration Packet and will be maintained in the Office of the Division Chief of Criminal Investigations.
 - h. Criminal history (NCIC criminal history and DPD record)
 - i. Fingerprint Cards
 - 1. In those instances where the informant has a DPD record and fingerprints on file, the Primary Control Officer shall make a copy of the fingerprint card and include it in the informant information packet.
 - 2. In those cases where the applicant does not possess a criminal record, two (2) pink "10-1" full fingerprint cards will be obtained. The ID Bureau will forward one (1) of the cards to Federal Bureau of Investigation for review. The other card will be included in the application packet.
 - j. Recent DPD mug shot or similar quality photograph
 - k. Warrants Check
 - l. A copy of the computer printout generated while obtaining a "clearance" for "wants/warrants" will be submitted for review. Applicants will be required to clear all active warrants prior to approval for use.
 - m. Driver's License query
- (6) No part of the informant registration packet will be copied or duplicated for any purpose unless ordered by a court of record and approval is obtained from the Chief of Police.
- (7) The informant registration packet will be reviewed for completeness by the Informant Supervisor and upon approval forwarded through the Primary Control Officer's chain of command to the Bureau/District Commander to be reviewed for completeness and approval.

- (8) If the Registration Packet is approved, the Primary Control Officer will hand-carry the packet to the Office of the Division Chief of Criminal Investigations for review by the Division Chief or his/her designee.
- (9) If approved for use, all informants will be assigned a Confidential Source Code Number by the Division Chief of Criminal Investigations or his/her designee.
- (10) The Division Chief of Criminal Investigations will retain the completed registration packet.

307.03 Supervisor and Command Officer Responsibility for Informant Utilization

- (1) All supervisors and command officers shall ensure that:
 - a. The information in the Registration Packet as described in OMS 307.02 is complete and accurate, prior to authorizing the registration of an informant and forwarding it to their superiors, and;
 - b. The potential risks of utilizing an informant are outweighed by the potential benefits that may be derived from using the informant, and;
 - c. Their subordinates are in compliance with all department rules, regulations, policies, and procedures related to the recruitment, registration, and use of informants and;
 - d. Their subordinates are fully and properly utilizing informants assigned to them, and;
 - e. Their subordinates obtain the assistance of the appropriate investigative bureau/unit prior to registering or utilizing a Class 1 or Class 2 Participating Informant.
- (2) In any case where a Participating Informant is to take part in the planning or commission of a criminal act, thereby requiring possible endorsement and disclosure as a witness, approval is required from the appropriate prosecutor and also through the divisional chain of command of the appropriate investigative unit/bureau.
 - a. Exceptions to this requirement include situations where the Participating Informant is making purchases of contraband including but not limited to drugs, counterfeit currency, forged documents, or stolen property at the direction of the Primary Control Officer and with the approval of the Informant Supervisor.
 - b. In instances where divisional command approval is not available, yet a determination has been made that it is in the public's interest to continue an investigation, a supervisor, with the concurrence of a command officer, may authorize the proposed actions of an informant.
 - 1. Prior to the onset of the proposed action, the supervisor shall also obtain preliminary approval from the "on-call" supervisor of the appropriate investigative bureau/unit and the "on-call" prosecutor.
 - 2. The authorizing supervisor shall closely monitor the activities and conduct of the informant.
 - 3. Prior to the end of that tour of duty, the authorizing supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. The required documentation will clearly set forth the exigent circumstances which required the investigation to continue, and the names of the command officer, investigative supervisor, and prosecutor who granted preliminary approval to continue the investigation.

307.04 Restricted-Use Informants

- (1) **Juveniles**
Officers shall not request or utilize a juvenile, (any person less than 18 years of age), as a Participating Informant unless:
 - a. Extraordinary circumstances exist, and
 - b. Active assistance is obtained from the appropriate investigative bureau/unit, and

- c. Written authorization is obtained via the Juvenile Informant Authorization Waiver, DPD 565, prior to utilization, from:
- d. The juvenile, *and*
- e. The juvenile's parent or legal guardian, *and*
- f. The Primary Control Officer's commander, through the chain of command.
- g. The Primary Control Officer's immediate supervisor shall serve as a witness to the parental consent and any arrangement agreed to by the juvenile and parent or legal guardian.

(2) **Violent Persons**

Persons with a known propensity towards violence or with a criminal history indicating violent behavior including but not limited to: robbery, aggravated assault, assault to a police officer, sexual assault, etc. shall not be utilized as informants unless:

- a. Extraordinary circumstances exist, *and*
- b. Guidance is obtained, prior to registration and utilization, from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, *and*
- c. Written authorization is obtained, prior to registration and utilization, from the commander of the appropriate investigative bureau/unit and the Primary Control Officer's commander through the chain of command.
 - 1. The original authorization letter shall be retained in the Confidential Informant's permanent file in the Office of the Division Chief of Criminal Investigations.

(3) **Active Felons**

Continued use of registered active informant who is known by the Primary Control Officer to have committed a felony; (other than making directed and supervised controlled buys of contraband) or who is arrested and charged with a felony is prohibited, unless:

- a. Extraordinary circumstances exist, *and*
- b. Prior to utilization, guidance is obtained from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, *and*
- c. Prior to utilization, written authorization is obtained from the Primary Control Officer's commander, through the chain of command and the commander of the appropriate investigative bureau/unit.
- d. The original authorization letter shall be retained in the Confidential Informant's permanent file in the Office of the Division Chief of Criminal Investigations.
- e. In those instances where exigent circumstances exist, particularly to facilitate the immediate continuation of an important and rapidly developing investigation, the on-scene supervisor, with the approval of a command officer, shall have the discretion to approve the continued use of such informant.
 - 1. The supervisor shall immediately inform the "on call" supervisor of the appropriate bureau/unit of the situation.
 - 2. When time and circumstances permit, the supervisor shall contact the "on-call" Deputy District Attorney for guidance.
 - 3. Prior to the conclusion of that tour of duty, the supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. For purposes of confidentiality, correspondence will be forwarded to the intended recipient in sealed envelopes.

(4) **Family Members**

Family members are defined as husband, wife, mother, father, child, brother, sister, grandparent, grandchild, domestic partner, or any person known to be related through blood or marriage.

- a. Officers are prohibited from registering, utilizing, or otherwise directing anyone known to be their blood relatives or family members as informants, unless:
 - 1. Extraordinary circumstances exist, *and*

2. The informant refuses to cooperate with any other officer, but their family member, and the information/cooperation offered is of great importance and cannot be obtained by any other means, **and**
 3. Prior to utilization, guidance is obtained from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, **and**
 4. Prior to utilization, written authorization is obtained from the Family Member Officer's Division Chief, through the chain of command and the commander of the appropriate investigative bureau/unit.
- b. The original authorization letter shall be retained in the informant's permanent record in the Office of the Division Chief of Criminal Investigations.
 - c. If approved, the immediate supervisor of any Officer utilizing a family member as an informant shall be designated as the Primary Control Officer, with the family member officer designated as the secondary control officer.
 1. The family member Officer shall immediately notify his/her supervisor of any planned contact with the informant and also of any developments or information received pertaining to criminal activity.
 2. The supervisor shall be present during all official contacts with the informant and shall continually keep their commander and also the commander of the appropriate investigative bureau/unit apprised of the situation.
 - d. At the first opportunity, the Control Officer's (immediate supervisor) will designate a replacement control officer not related to the involved officer or his/her family member. The supervisor shall make written notification of this action to the Division Chief of Criminal Investigations, the commanders of the affected officers, the commander of the appropriate investigative bureau/unit, and the affected officers of such changes.
 - e. Officers shall not participate in any police action taken as a direct result of assistance given by their family members.

(5) Fugitives

Officers shall not knowingly register or utilize an informant who is the subject of an active warrant. The officer's first obligation is to resolve the active warrant. All potential informants shall be checked for warrants as provided for in OMS 307.03(4)i. In cases where there is a warrant, non-violent crime, from another jurisdiction or state and the warrant is non extraditable, an officer shall contact the Denver District Attorney's Office and their commander. The circumstances of each case shall be reviewed and approval shall be either granted or denied by both the Denver District Attorney's Office and by their commanding officer.

(6) Suspects

Officers shall not knowingly register or utilize an informant who is the subject of an active criminal investigation.

- a. If assistance is required from an informant who is the subject of an active criminal investigation, the Primary Control Officer and his/her immediate supervisor will contact the assigned investigator and apprise him/her of the situation.
- b. The Primary Control Officer shall not discuss the ongoing criminal investigation with the informant. Officers shall not provide legal advice or counsel to any informant.
- c. This confidential informant policy does not preclude informants, who are cooperating for the purpose of gaining official consideration on pending criminal cases from being enrolled or utilized. Note: For purposes of this policy, "official consideration" shall refer to sentencing considerations and/or filing decisions for criminal charges to be filed by the Denver District Attorney's office or any other prosecutor with jurisdiction.

(7) Parole, Probation, and Corrections Clients

Parole, probation, or corrections clients may be registered and utilized as Participating Informants only with prior written authorization from the commander of the appropriate investigative bureau/unit who will then determine whether or not the Department of Corrections will be notified concerning this relationship.

307.05 Informant Status Review and Audits

- (1) Primary Control Officers shall conduct criminal history and warrant status checks of informants under their control every six (6) months.
- (2) Annual Review
 - a. The Division Chief of Criminal Investigations shall send an Informant Status Authorization, DPD 562, in a sealed envelope, to the Primary Control Officer of each registered informant no later than July 1st each year. Informants shall be identified only by their code number on this form.]
 - b. Primary Control Officers desiring to continue utilizing the informant in question shall complete the Informant Status Authorization, DPD 562, and forward the form, through the chain of command, to the Office of the Division Chief of Criminal Investigations, before August 1st each year. The form will become a part of the informant's permanent records. Each packet shall contain the following items related to the informant:]
 1. NCIC/CCIC criminal history]
 2. NCIC/CCIC/ DCIC warrants check]
 3. Recent photograph (if appearance of informant has changed)
 - c. Each level in the chain of command shall sign to authorize or deny the continued use of the informant on this form before forwarding to the next level. The Division Chief of Criminal Investigations shall have final approval authority.
- (3) The Division Chief of Criminal Investigations shall retain packets in the informant's permanent file.
- (4) All informants who have not been authorized for continued use by August 1st shall be de-activated by the Division Chief of Criminal Investigations.
 - a. The Division Chief of Criminal Investigations shall send written notice to the commander of the Primary Control Officer that an informant has been de-activated.]
 - b. A copy of the notice shall be retained in the informant's permanent record in the office of the Division Chief of Criminal Investigations.
 - c. Use of de-activated informants is prohibited.
- (5) The Division Chief of the Criminal Investigations Division or his/her designee shall thoroughly review all informant files, including payment records, and deliver a written report of the findings to the Chief of Police by September 1st each year.]
- (6) The Primary Control Officer shall notify the Informant Supervisor of every cash payment to an informant. The Informant Supervisor shall be present and interview the informant no less than every fifth (5th) cash payment to the informant. The Informant Supervisor shall also interview the Confidential Informant when any cash payment over five hundred dollars (\$500.00) is made. Each interview shall be documented on the Confidential Source Information File (Payment Record), DPD 336, by the supervisor.]

307.06 Deactivation/Decertification of Confidential Informants

- (1) Deactivation of Confidential Informants – The Primary Control Officer, who no longer wishes to utilize an informant, shall **deactivate** the informant and forward Informant Status Authorization, DPD 562, through the chain of command to the Division Chief of Criminal Investigations. This form shall be accompanied by the Confidential Source Information File (Identity), DPD 336A, and Confidential Source Information File (Payment Record), DPD 336.]

- (2) Decertification of Confidential Informants – Officers who have reason to believe that an informant may no longer be suitable for use due to a credibility concern, liability concern, inappropriate or criminal conduct on the part of the informant or where the informant may jeopardize the integrity of the Denver Police Department shall initiate the procedure to **decertify** the informant. At the first opportunity, prior to going off duty, the concerned officer shall also prepare an Inter-Departmental Correspondence, DPD 200, documenting all pertinent facts and circumstances supporting the request for decertification and attach the Confidential Source Information File (Payment Record), DPD 336 along with Informant Status Authorization, DPD 562. The documents will be hand carried through the chain of command to the Division Chief of Criminal Investigations. In the event the request for decertification is being made by other than the Primary Control Officer, the requesting officer's supervisor shall notify the Primary Control Officer's supervisor of the request. Pending resolution of the request, the informant shall not be utilized without approval of the Division Chief of Criminal Investigations.
- (3) The Division Chief of Criminal Investigations shall determine what action(s) shall be taken with regards to the informant and any investigation for which the informant may have been utilized.
- (4) Informants who are decertified shall be designated as a "prohibited use informant" by the Division Chief of Criminal Investigations.

307.07 Reactivation of Confidential Informants

- (1) Informants who have been deactivated/decertified by the Division Chief of Criminal Investigations may be utilized only under the following conditions:
 - a. The proposed new Primary Control Officer and his/her supervisor shall prepare an informant registration packet, as outlined in OMS 307.03. The supervisor will contact and seek input from the officer who applied for deactivation before forwarding the packet to the next level. An Inter-Departmental Correspondence, DPD 200, will be completed outlining the reason for re-instatement and document the previous Confidential Informants code number.
 - 1. In those instances where the officer who previously deactivated/decertified the informant objects to the use of the informant, the supervisor will direct the officer to document his/her concerns about the renewed use of the informant on an Inter-Departmental Correspondence, DPD 200. The letter will be sent, with the packet, through the chain of command to the Division Chief of Criminal Investigations.
 - 2. Approval to re-activate an informant, who was previously decertified for any alleged misconduct, must be obtained from the Denver District Attorney's office. The name of the approving prosecutor will also be documented in the letter described in part b., below.
 - b. The packet shall include an Inter-Departmental Correspondence, DPD 200, to the Division Chief of Criminal Investigations from the proposed new Primary Control Officer. The issues that resulted in the informant's deactivation/decertification should be clearly described along with the justification for reactivation of the informant.
- (2) The Division Chief of Criminal Investigations has the final approval authority, and may deny use or place restrictions on the use of the informant, including limiting the authorization for use to a "case-by-case" basis.

307.08 Meetings with Informants

- (1) Meetings with all informants must be authorized in advance by a supervisor.
- (2) A second officer shall witness all meetings with informants.
- (3) Whenever possible, all meetings with informants of the opposite sex should be held at public locations.
- (4) Any informant information received concerning felony criminal activity affecting another bureau or agency shall be documented on an Inter-Departmental Correspondence, DPD 200, before the end of shift. This information shall be forwarded to the informant supervisor and the affected bureau or agency.

307.09 Payments/Compensation

- (1) Payment amounts:
 - a. Primary Control Officers shall seek guidance from a supervisor of the investigative unit/bureau responsible to prepare of the criminal case filing when attempting to determine payment amounts.
 - b. Sergeants assigned to the investigative bureau tasked with the criminal case filing may approve expenditures of five hundred dollars (\$500.00) or less.
 - c. Command officers assigned to the investigative unit/bureau tasked with the criminal case filing may approve expenditures of one thousand dollars (\$1,000.00) or less.
 - d. The commanding officer of the appropriate investigative unit/bureau tasked with the criminal case filing may approve single expenditures in excess of one thousand dollars (\$1,000.00) with the approval of the Division Chief of Criminal Investigations.
 - e. The commanding officer of the appropriate investigative unit/bureau may approve supplemental informant payments from more than one monetary fund.
- (2) Payments to informants will be made by the Primary Control Officer or the Informant Supervisor. All informant payments shall be reviewed and authorized in advance by a supervisor, and witnessed by a second officer. Payments may be denied or modified by the reviewing supervisor.
- (3) Only official government funds may be used to pay an informant. Personal funds shall not be utilized for the procurement of evidence or information, to make controlled and/or undercover buys or for the purpose of paying informants.
- (4) All informant payments shall be documented on a Confidential Source Information File (Identity), DPD 336A, and also on an Expenditure Record (Cash Voucher), DPD 725. The expenditure record will contain an itemized and detailed account for the funds expended.
 - a. A photocopy of the Confidential Source Information File (Payment Record), DPD 336, detailing the assistance provided by the informant, shall be attached to the Expenditure Record (Cash Voucher), DPD 725.
 - b. The informant will be instructed to enter, in their handwriting, acknowledgement of the amount of money received and the date received on the Confidential Source Information File (Payment Record), DPD 336, and Expenditure Record, DPD 725, along with their code name signature.
 - c. Any additional financial/material benefit, including housing, provided to the informant shall be documented on the Confidential Source Information File (Payment Record), DPD 336.
 - d. All payments to an informant shall be authorized in writing and in advance of the payment being made. As follows:
 1. Payments of less than five hundred dollars (\$500.00) shall be approved by the Informant Supervisor.
 2. Payments of five hundred dollars (\$500.00) to one thousand hundred dollars (\$1,000.00) shall be approved by Command officers assigned to the investigative unit/bureau tasked with the criminal case filing.
 3. Payments of one thousand dollars (\$1,000.00) or more shall be approved through the chain of command to include the Division Chief of Criminal Investigations.
 4. Provision of housing for a Confidential Informant, whether in private or city-owned facilities, shall be approved through the requesting officer's chain of command through the officers Division Chief and by the Division Chief of Criminal Investigations.
- (5) The Chief of Police shall be immediately notified any time an informant has received twenty thousand dollars (\$20,000.00) or more from the Denver Police Department, as a single payment or cumulatively.
- (6) Officers shall not allow an informant to engage in criminal conduct as compensation for the information they provide.

307.10 Agreements Concerning Criminal or Traffic Cases Against an Informant

- (1) No commitments, promises, or agreements concerning the disposition of a criminal or traffic case including "immunity," dismissal, reduced plea, or consideration for sentence concessions will be made without the prior authorization of the appropriate prosecutor and the Primary Control Officer's commanding officer. Officers shall avoid any language that may be interpreted as an offer such a commitment, promise, or agreement.
- (2) If such authorization is granted, a Defendant Cooperation Agreement, DPD 566, shall be completed.
 - a. The completed Defendant Cooperation Agreement form shall be reviewed and approved by signature of the appropriate prosecutor and the Primary Control Officer's chain of command.
 - b. The Primary Control Officer's supervisor shall hand carry the approved Defendant Cooperation Agreement to the Office of the Division Chief of Criminal Investigations where it shall be retained in the Confidential Informant's permanent file.
 - c. The Defendant Cooperation Agreement form shall not be copied unless ordered by a court of record and approval is obtained from the Chief of Police.
 - d. The Defendant Cooperation Agreement form shall not be included in any criminal case filing.
 - e. The Primary Control Officer's supervisor shall be responsible for monitoring the use of the informant and the application of the agreement.
- (3) Any investigative assistance provided by informants for consideration in pending criminal/traffic cases shall be documented on a Confidential Source Information File (Payment Record), DPD 336A.
- (4) Any officer wishing to request a Personal Recognizance bond for a potential informant shall have a completed Informant Registration Packet approved through the chain of command prior to arranging the Personal Recognizance bond.

307.11 Court Appearances or Other Intervention on Behalf of Informants

- (1) Officers must notify their supervisor, the assigned investigator, and the appropriate prosecutor of their intentions, prior to making an appearance on behalf of an informant in a criminal case or administrative proceeding in accordance with OMS 103.06 and RR-1004. If the assigned investigator is not available, notification shall be made to the assigned investigator's supervisor.
- (2) Officers shall not appear on behalf of an informant in any court or administrative proceeding without the prior written authorization of their commanding officer or unless subpoenaed by a court record. Any officer receiving such a subpoena shall notify their commanding officer of that fact as soon as possible.
- (3) In compliance with RR-312, Officers shall not interfere with cases assigned to other officers.
- (4) Officers shall not attend in an official capacity any legal proceedings on behalf of an informant to whom they are related through blood or marriage, unless ordered to appear by a court of record.

307.12 Case Filings and Disclosure of Informants

- (1) All of the facts related to the actions of the informant must be known by the prosecutor in order to properly evaluate the provability of the case and the likelihood of being able to protect the identity of the informant.
- (2) At the time the case is presented for filing, the prosecutor must be notified if an officer wishes to protect the true identity of an informant in any judicial setting. This disclosure will assist the prosecutor in making filing determinations.
- (3) If an informant participated at any stage in the planning or commission of the crime being charged, thereby becoming a witness to the crime, including, but not limited to, taking defendant to the scene of the crime, acting as a lookout, or driving the getaway car, the officer must notify the District Attorney at the time the case is presented for filing. Prosecuting such a case will likely require disclosure of the informant.

307.13 Information on Violations of Governmental Integrity

- (1) If an informant furnishes information which adversely reflects on the integrity of a City, County, State, or Federal official, officer, or agency, the officer receiving the information shall immediately notify his/her commanding officer who will then notify the Commander of the Internal Affairs Bureau.
- (2) The Commander of the Internal Affairs Bureau shall notify the Chief of Police. The Chief of Police will determine what other government agencies, if any, will be notified.

307.14 Significant Public/Immigration Benefit Parole

- (1) Any member of the Denver Police Department wishing to make a Request for Significant Public Benefit Parole or any other special consideration on immigration matters to Immigration and Customs Enforcement on behalf of an informant shall forward this request through the chain of command to the Division Chief of Criminal Investigations. Under no circumstances will any member submit any request for special consideration on immigration matters for an informant directly to Immigrations and Custom Enforcement.

307.15. Change of Primary Control Officer or Confidential Informant

- (1) If it becomes necessary to change the Primary or Secondary Control officer of any registered informant the following procedures shall be followed:
 - a. The officer wishing to become the new Primary or Secondary Control officer shall be responsible to complete an Inter-Departmental Correspondence, DPD 200, outlining the reason for the change. The DPD 200 shall be signed by the new Primary and/or Secondary Control officer and approved by that officer's chain of command through the Bureau/District Commander. The Primary and/or Secondary Control officer relinquishing control of the informant and that officer's chain of command through the Bureau/District Commander shall also approve the DPD 200. The completed DPD 200 shall be forwarded through the chain of command to the Division Chief of Criminal Investigations for inclusion in the informant's file.
 - b. The registered informant shall complete and sign a new Confidential Informant Liability/Waiver Conduct Agreement, DPD 564, which includes the name of the new Primary Control officer. This form will be forwarded along with the DPD 200 to the Division Chief of Criminal Investigations for inclusion in the informant's file.



308.00 MISSING AND EXPLOITED PERSONS

REVISED: 10/18/2018

PAGE: 1 OF 20

308.01 MEP UNIT

(1) THE MISSING AND EXPLOITED PERSONS UNIT (MEP UNIT) INVESTIGATES THE FOLLOWING:

- a. Neglected and/or abused children.
- b. Child deaths in cooperation with the Homicide Unit.
- c. Sexual assaults to children when the suspect is in a position of trust, or if the suspect is a family member.
 - One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.
- d. Child pornography as it pertains to the possession, distribution, and/or manufacturing of photographs.
- e. Reported runaways.
- f. Missing persons.
- g. Kidnappings where the victim is still missing.
- h. Any investigation where the expertise of the MEP Unit will be useful.

(2) CALL-OUT PROCEDURES:

Required notification and assistance of a MEP Supervisor:

- a. All complaints of sexual assault on a child in which the suspect is in a position of trust, or is a family member, and the offense occurred within the last 72 hours.
 - b. In all physical or sexual abuse cases of children involving serious bodily injury defined as the victim suffering:
 - 1. A substantial risk of death, or
 - 2. A substantial risk of serious, permanent disfigurement, or
 - 3. A substantial risk of protracted loss or impairment of the function of any part or organ of the body, or
 - 4. Breaks, fractures (to include any and all breaks, fractures and/or hard tissue injury such as, bone, teeth or cartilage), or burns of the second or third degree.
 - c. In all instances when it is necessary to obtain a search warrant to gather evidence or document a crime scene.
 - d. If officers are unsure how to handle a child abuse, child neglect or sexual assault to a child involving a suspect in a position of trust. In all instances in which a child or adult is missing with extenuating circumstances.
 - e. In all instances where a suspect is present and there are allegations the suspect possesses or has possessed photographs depicting child pornography.
 - f. In all cases where a child dies as a result of suspicious or criminal circumstances, the MEP supervisor will be contacted by the Homicide Unit supervisor. See OMS 301.14.
-

308.02 TAKING CHILDREN INTO PROTECTIVE CUSTODY

(1) CHILDREN TO BE PROTECTED:

Includes, but is not limited to children:

- a. Who are physically, mentally or sexually abused, or who are unduly confined or restricted.
- b. Abandoned by their parents or guardians, and given to people other than a relative without proper consideration.
- c. Without adequate supervision and protection, including those whose parents are incapacitated or incarcerated.
- d. Whose homes are unfit by reasons of neglect or depravity on the part of their parents or guardians.
- e. Endangered by being left alone without adequate supervision and protection.
- f. Endangered by the use, distribution, or manufacturing of illegal drugs.

(2) INVESTIGATION / TAKING TEMPORARY CUSTODY OF CHILDREN:

Officers must investigate all complaints concerning abused/neglected children to determine their validity. When a child is a victim of child abuse, child neglect or sexual assault, the officer has the responsibility of deciding if the child should be left in the home (in the custody of a parent or guardian).

(3) POLICE AUTHORITY:

Under CRS §19-3-401, an officer has the authority to remove a child, “whenever the safety or well-being of the child is immediately at issue and there is no other reasonable way to protect the child.....” Officers must evaluate the safety of the child victim as well as other children who are in the care of the parent or legal guardian.

- a. If an officer is unsure if a child should be placed into protective custody, he/she must notify their supervisor who will make the determination.
- b. If the supervisor is unsure if a child should be taken into protective custody, the MEP Unit supervisor will be contacted for direction.

(4) PLACEMENT OF CHILDREN REMOVED FROM CUSTODY OF PARENT OR GUARDIAN:

- a. It is an officer's decision whether to remove a child from the custody of a parent or legal guardian. When a decision is made to remove a child, officers must contact the Denver Department of Human Services (DDHS) Hotline at 720-944-3000 and inform the social worker that a child placement is needed.
- b. It is DDHS's decision where the child will be placed.
 1. Officers will provide to DDHS, information of the child and circumstances necessitating placement. DDHS approval of the child placement location is REQUIRED before officers make a placement. This includes placing a child with family members or relatives of the parent or legal guardian.
 2. Officers must include the placement location in the narrative of the General Occurrence (GO) report.
 3. Other than a custodial parent or legal guardian, an NCIC/CCIC warrant check and criminal history will be completed on any person agreeing to take custody of the children. This information will help determine whether the person in question is appropriate to take custody.

(5) ARREST OF PARENT OR LEGAL GUARDIAN:

- a. When reasonable and to the degree possible, officers arresting a parent or legal guardian should do so outside the presence of the arrestee's children.
-

- b. When arresting a custodial parent or legal guardian, unless another lawful custodial parent or legal guardian is immediately available to take custody, placement of the children through DDHS is required. If there is doubt as to the legal custodial status of the remaining parent or guardian, officers will contact DDHS for approval.

(6) CHILDREN LESS THAN 72 HOURS OLD:

When a child is LESS THAN 72 HOURS OLD, officers are prohibited from taking custody of that child without a court order EXCEPT in the following circumstances:

- a. When a child under 72 hours old is identified by a physician, registered nurse, licensed practical nurse, or physician's assistant engaged in the admissions, care, or treatment of patients as being affected by substance abuse or demonstrating withdrawal symptoms resulting from prenatal drug exposure.
- b. When the newborn child's parent or parents have been determined by a physician, registered nurse, or qualified mental health professional to meet the criteria specified in CRS §27-10-105, for custody, treatment, and evaluation of mental illness or grave disability.
- c. When the newborn child is subject to an environment exposing the newborn child to a laboratory for manufacturing controlled substances as defined in CRS §18-18-102 (5), which states;
 - "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V of Part 2 of CRS §18-18-102, including cocaine, marihuana, and marihuana concentrate.
- d. If an officer takes custody of a child under any of these circumstances, he/she MUST serve the parents with a request to appear on a Protective Custody Notice and/or Request to Appear (DPD 140). When completing the notice/request to appear:
 - Check the "Protective Custody" box.
 - Order-in the parents to the Family Crisis Center for the next business day at 0900 hours.
 - Indicate that the DDHS Hotline has been notified of the request to appear.
- e. The officer will complete a General Occurrence (GO) report titled, "Child Abuse-Simple."
- f. If the criteria in OMS 308.02(6) a, b, or c are NOT met, a court order is required to take custody of the child. When a court order is required, officers must do the following:
 - 1. If a social worker with the DDHS is not present, officers will call the DDHS Hotline at 720-944-3000 and ask for the on-call DDHS caseworker.
 - 2. Advise the caseworker of the circumstances. The caseworker will contact the on-call juvenile court judge for a verbal order.
 - 3. DDHS may call for officers to assist with a civil standby when a child is taken into protective custody on a judge's order. Officers do not need to complete a General Occurrence (GO) report in these circumstances.

(7) AMERICAN INDIAN CHILDREN:

To conform to Colorado Children's Code CRS §19-1-126, Compliance with the Federal "Indian Child Welfare Act," whenever a American Indian child is being removed from the home, officers must:

- a. Notify the DDHS Hotline of:
 - 1. The child's ethnicity, and
 - 2. The Indian tribe the child belongs to (if known), and
 - 3. That the parents have been requested to appear at the Family Crisis Center the next business day at 0900 hours;
 - b. Serve the parents with a request to appear on a Protective Custody Notice and/or Request to Appear (DPD 140). When completing the report:
-

1. Check the "Protective Custody" box.
2. Order-in the parents to the Family Crisis Center for the next business day at 0900 hours.
3. Indicate that the DDHS Hotline has been notified of the request to appear.
- c. If officers are unsure of the child's ethnicity, DDHS will make that determination after the child is placed, and will determine whether they are affiliated with an Indian tribe.
- d. Complete a General Occurrence (GO) report.

(8) SOCIAL WORKERS – LIMITATION OF AUTHORITY:

Social workers with the DDHS do not have authority to remove children from a home without a court order. Officers called to assist DDHS will adhere to CRS §19-3-401, which states: "whenever the safety or well-being of the child is immediately at issue the officer must remove the child from the environment."

- a. In order to take a child into protective custody, the social worker must provide information to show that the safety or well-being of the child is immediately at issue, and the officer must include this information in a General Occurrence (GO) report.
- b. The authority to remove a child can be based on the information given by the DDHS worker, and may include the history of the family known by the social worker.
- c. Ultimately, the decision to place children in protective custody is up to the officer, but consideration should be given to all the circumstances surrounding the incident.
- d. In situations where the officer is unsure what actions to take, the MEP Unit supervisor should be contacted through the Denver 911 supervisor.
- e. The DDHS worker will serve the parent or legal guardian with the Notice of Rights and Remedies for Families form (DDHS Form).

(9) PROTECTIVE CUSTODY – GENERAL REPORTING PROCEDURES:

When a child is placed in protective custody, officers will:

- a. Complete a Protective Custody Notice and/or Request to Appear (DPD 140). This form also gives parent their parental rights.
- b. Check the box "Protective Custody" on the front of the Protective Custody Notice and/or Request to Appear.
- c. Not disclose the location of children placed in protective custody to persons other than law enforcement or DDHS personnel. Parents will be referred to the MEP Unit.
- d. Complete a General Occurrence (GO) report, if the incident is a criminal event. If a General Occurrence (GO) report has already been completed and the protective custody is related to the same event, officers must add a statement to the existing report, detailing the circumstances of the protective custody hold.
- e. Add a statement detailing circumstances of the protective custody hold, if in relation to the event, a non-criminal General Occurrence (GO) report was completed and the protective custody is related to the same event.
- f. When no adults are present, leave a copy of the Protective Custody Notice and/or Request to Appear (DPD 140) at the residence.

308.03 CHILD ABUSE, CHILD NEGLECT, SEXUAL ASSAULT TO A CHILD BY A PERSON IN A POSITION OF TRUST OR A FAMILY MEMBER

(1) CALLS INITIATED THROUGH DDHS HOTLINE:

Upon completion of the call, officers will call the Hotline at 720-944-3000 and detail the outcome. DDHS's Hotline is staffed 24 hours a day, seven days a week.

(2) REPORTING / NOTIFICATION REQUIREMENTS:

- a. In all cases concerning neglected, abandoned, abused, or sexually abused children, and children are present, the officer will complete a General Occurrence (GO) report irrespective to the call being founded or unfounded. This includes welfare checks of children reported by DDHS. Should children not be present and there is no information identifying who the children are, the officer will complete the GO report with an offense code titled "Letter to Detectives," and route the letter to the Child Abuse handle.
- b. In cases of sexual assault on a child when the suspect is in a position of trust or is a family member, the victim should not be interviewed unless it is necessary. A statement should be obtained from the witness or witnesses the victim reported the sexual abuse to.
- c. In all cases of reported sexual abuse, physical abuse or neglect, officers must obtain statements from all witnesses, including other officers.
- d. Determine if the victim needs medical care, and if so, an ambulance will be called to the scene.
- e. If the victim has injuries, photographs are needed. This can be done by the Crime Laboratory, or if the Crime Laboratory is unavailable, with a digital camera. If a digital camera is used, the memory card should be placed into the Property Management Section. When taking photographs of a child and their injuries, officers should consider whether making the child disrobe would cause them trauma. Officers should consider calling an ambulance, or taking the child to a medical facility to assist in taking photographs.
- f. Determine if the child can stay in the home or if the child needs placement. See OMS 308.02.
- g. REQUESTS TO APPEAR:
 1. Serve a request to appear to all persons involved, including the victim, on a Protective Custody Notice and/or Request to Appear (DPD 140) to the Family Crisis Center.
 2. All requests to appear are to be done Monday through Friday, excluding holidays, at 0900 hours.
 3. In cases of sexual abuse, the suspect must also be given a separate Request to Appear (DPD 75), and the time must be changed to 1300 hours. The Request to Appear location will be police headquarters
 4. If no adults are present, officers must leave a copy of a Protective Custody Notice and/or Request to Appear (DPD 140).
 5. Officers must contact the DDHS Hotline at 720-944-3000 and inform the case worker of the request to appear, and the names of the persons ordered-in. Officers must indicate on the Protective Custody Notice and/or Request to Appear (DPD 140) that the DDHS Hotline has been notified of the request to appear.

(3) SUSPECTED CHILD ABUSE OR NEGLECT OF CHILDREN - MANDATORY REPORTERS:

CRS §19-3-304 requires specific persons who have reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect report or cause a report to be made to:

- The local law enforcement agency; or
- The county department of human services; or
- The child abuse reporting hotline system.

The list of mandatory reporters is lengthy, but it includes all law enforcement personnel, first responders, medical providers, care providers and social workers. Willfully violating this statute is a Class 3 Misdemeanor.

- a. Officers, whether on or off-duty, will report within 24-hours of discovery or observation any incident to the law enforcement agency where a child may have been abused, exploited or where

- the child may be in imminent risk of abuse or exploitation and will notify their sergeant by the end of their next work shift.
- b. Abuse or neglect as defined does not have to be committed by a family member. The abuse or neglect of a child could potentially be committed by any person.
- c. Reporting:
- Officers receiving a report of suspected abuse or neglect from either a mandatory reporting party or from any other source will document the incident in RMS.
1. If a crime has occurred, the crime will be investigated and documented in accordance with department policies relevant to that crime and any mandated reporter will be listed as an entity or named in the narrative of the officer statement.
2. If a crime has not occurred, officers will create a GO report titled Letter to Detective.
- The mandated reporter will be listed as an entity or named in the narrative of the officer statement.
 - A narrative describing the suspicions being reported is required.
 - The victim(s) must be listed as entities in the report, if a name and DOB has been provided or discovered through investigation.
- d. Mandatory Reporting by Denver Public Schools:
- Officers responding to reports of abuse or neglect at a Denver Public School, by a Denver Public School, or about a Denver Public School employee will complete a GO report, not a Street Check.

(4) CHILD ABUSE OR SEXUAL ASSAULT ON A CHILD BY A PERSON IN A POSITION OF TRUST:

Officers will not arrest a person for the charge of Child Abuse or Sexual Assault on a Child by a Person in a Position of Trust, without the prior approval of their supervisor, or a supervisor or detective assigned to the MEP Unit. If extenuating circumstances exist that an arrest of the suspect is needed to ensure the officer's or public's safety, officers should arrest the suspect, then notify the MEP Unit supervisor through Denver 911.

(5) REPORT DISTRIBUTION AND NOTIFICATION AS FOLLOWS:

- a. The original copy of the Protective Custody Notice and/or Request to Appear (DPD 140), will be given to the parent or guardian or left at the residence.
- b. The second copy (carbon copy) of Protective Custody Notice and/or Request to Appear (DPD 140), along with the original statements, will be HAND CARRIED to the Records Section to be scanned.
1. Officers must hand carry a copy of the Protective Custody Notice and/or Request to Appear (DPD 140) to the MEP Unit, or, if the MEP Unit is closed, left with the Records Unit to be mailed to MEP.
2. The third copy of Protective Custody Notice and/or Request to Appear (DPD 140), will be sent to DDHS through inter-department mail or left with an agency where a child is placed if they were taken into protective custody.
- c. If a parent or legal guardian is served with a request to appear at the Family Crisis Center or the Denver Children's Advocacy Center, the officer must:
1. Contact the DDHS Hotline at 720-944-3000 and inform them of the request to appear and the names of the persons requested to appear.
2. Indicate on the Protective Custody Notice and/or Request to Appear (DPD 140) that the DDHS Hotline has been notified of the request to appear.

- d. If the child is hospitalized and a hold is placed on the child, one copy of the Protective Custody Notice and/or Request to Appear (DPD 140) must be given to the hospital. The officer must notify the DDHS Hotline at 720-944-3000 if a hold is placed on a hospitalized child.
- e. When a child is placed into protective custody, officers must check the box, "Protective Custody" on the front of the Protective Custody Notice and/or Request to Appear (DPD 140).
 - 1. When children are placed into protective custody, the location of the children will not be disclosed to persons other than law enforcement or DDHS personnel. Parents will be referred to the MEP Unit.

308.04 CHILD PORNOGRAPHY

(1) PHOTOGRAPHS OR PAPER COPIES OF CHILD PORNOGRAPHY:

- a. Retrieve all evidence relating to the child pornography and take a statement from the complainant detailing how the evidence came into his/her possession.
- b. If the evidence is printed photographs, or photograph negatives/memory cards, retrieve the envelope that was submitted to the company for printing or developing, and place it into the Property Management Section.
- c. Place the evidence showing the child pornography into the Property Management Section, in a paper envelope, sealing it with evidence tape.
- d. Officer will create a General Occurrence (GO) report with an offense code titled, "Letter to Detectives", and route the letter to the Child Abuse handle. Send original statements to the MEP Unit.
- e. The possession of child pornography is illegal. The company or person providing the evidence to police is forbidden from keeping any evidence depicting child pornography.
- f. If a suspect is present, the MEP Unit supervisor will be contacted through a Denver 911 supervisor.
- g. In unusual circumstances or situations that are not clearly covered by procedure, officers will request the presence of a supervisor. The supervisor is encouraged to call the MEP Unit or the on-call MEP Unit supervisor for advice or assistance.

308.05 DRUG ENDANGERED CHILDREN (DEC)

(1) DEFINITIONS

- a. Drug Endangered Children (DEC) refers to children who:
 - 1. Are less than 18 years of age.
 - 2. Suffer physical, emotional or mental harm, or neglect from direct or indirect exposure to illegal drugs or alcohol.
 - 3. Live in a house where illegal drugs are used and/or manufactured.
 - 4. Ingest or inhale illegal drugs in the home.
 - 5. Are exposed to the toxic chemicals of home drug labs.
 - 6. Are infants exposed to illegal drugs in utero.
 - 7. Suffer physical abuse and neglect because of their caretaker's substance abuse.
- b. Controlled substance means a drug, substance, or immediate precursor included in Schedules I through V of Part 2 of CRS §18-18-102, including cocaine, marijuana, and marijuana concentrate.
- c. Clandestine laboratory is defined as a scene having hazardous chemicals, glassware, fertilizers, seeds, molds or spores used to manufacture or grow controlled substances.

(2) PATROL RESPONSE:

- a. When officers arrest a suspect for possession or sale of a controlled substance and a child is present, and the suspect is the guardian or parent of the child, officers will determine if the child is safe. See OMS 308.02.
 1. If it is determined the child is not safe, officers will call the DDHS Hotline at 720-944-3000, for placement of the child. The Emergency Response Worker will determine where the child will be placed. Officers should never place children away from their parent or legal guardian without consent from DDHS.
 2. Officers will complete a General Occurrence (GO) report, adding the offense "Child Abuse-aggravated," and route it to the appropriate district narcotics unit.
 3. If children are taken into protective custody, officers must complete a Protective Custody Notice and/or Request to Appear (DPD 140), and check the box titled "Protective Custody." Refer to OMS 308.03(4) for distribution.
- b. When officers arrest a suspect for possession or sale of a controlled substance and:
 1. There is an indication that the suspect is a legal guardian or parent of a child; and
 2. That child may be in danger because of the illegal drugs involved, officers will:
 - Notify DDHS's Hotline at 720-944-3000 regarding the circumstances of the arrest and any concerns for the child.
 - Include the notification to DDHS in their statement.
- c. When officers find evidence of a clandestine laboratory, they will immediately notify the on-call Vice/Narcotics Section or appropriate district narcotics supervisor:
 1. If children are involved, their information must be included in the General Occurrence (GO) report.
 2. Vice/Narcotics Section or district investigative personnel will contact the DDHS Emergency Response Team to assist with placement of the children.
- d. In situations where illegal drugs are present and children may be involved, officers are encouraged to contact the on-call Vice/Narcotics Section or appropriate district narcotics investigative unit supervisor.

308.06 MISSING PERSONS AND RUNAWAYS

(1) POLICY:

Missing person or runaway reports are taken of people who reside within the City and County of Denver, or if there is credible information indicating the missing adult or juvenile was last believed to be within the City and County of Denver. There is no waiting period for the purposes of reporting a missing person. Missing person cases where extenuating circumstances exist will be investigated immediately.

(2) RANKING MEMBER OF MAJOR CRIMES DIVISION:

At the scene of an adult or child missing with extenuating circumstances, the ranking member of the Major Crimes Division who may be present will be in complete charge of the incident without regard to the rank of officers present from other divisions. Under such circumstances, the senior representative of the Major Crimes Division will establish liaison with the command post or uniformed command officer at the scene and make all requests for assistance from the patrol district through the command post or through the regular chain of command of that division, as appropriate.

(3) DEFINITIONS:

Missing Person:

- Any child 11 years of age or younger whose whereabouts cannot be determined.
-

- Any child who is 12 years of age, but not yet 18 years of age and who is not considered a runaway.
- Any person 18 years of age or older whose whereabouts cannot be determined and the absence is a significant deviation from normal behavior patterns and cannot be explained.
- Any walk-away from an institution including but not limited to: hospitals, nursing homes, group homes, or other care facilities. A walk-away is any person who leaves on his/her own volition, but does not have the authority to do so.

Runaway: Any child who is 12 years of age but not yet 18 years of age will be considered a runaway when the disappearance is the result of the child's actions.

Extenuating Circumstances:

- Any circumstance, which subjects a missing person to be at risk or suggests that foul play exists.
- When extenuating circumstances exist, a missing persons report is required whenever any person is reported missing from a location within the City and County of Denver.

(4) EXTENUATING CIRCUMSTANCES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING ELEMENTS:

- **Age:** A person under the age of 12 or a person who is elderly. NOTE: An elderly person is a person who has a diminished ability due to an age-related malady, disability, or memory loss.
- **Disability:** A person of any age who is missing and who has a physical or mental disability, which subjects that person or others to personal danger. This includes, but is not limited to the inability to communicate due to language disability or language difference and Missing Civilly or Criminally Committed Mental Patients.
- **Endangered:** A person of any age who is missing under circumstances which indicate the missing person may be in danger. This includes in the company of another person who is considered dangerous, exposure to a dangerous environment or when sexual exploitation exists or is reasonably believed and any instance where the missing person is reasonably believed to be a victim of foul play.
- **Involuntary:** A person of any age who is missing under any circumstances, which indicate the disappearance, may not have been voluntary.
- **Catastrophe Victim:** A person of any age who is missing after a catastrophe or natural disaster.
- The absence is a significant deviation from established patterns of behavior and cannot be explained.
- **Criminal kidnapping:** The missing person has been abducted by someone other than a parent. For procedures to follow in violation of custody order or order related to parental responsibilities, see: OMS 308.15(3).

(5) REPORTING MISSING ADULTS - INITIAL REPORT:

The initial report of a missing adult is a non-crime report and is considered "information only." In some instances, missing adults are found to be victims of homicide, suicide or kidnapping. All reports of missing persons will be considered serious during the initial reporting phase. Reports of missing persons will be taken under the following circumstances:

- The missing person is a resident of the City and County of Denver, or
 - There is credible information indicating that the missing person was last believed to be within the City and County of Denver.
- a. Manner of Reporting:
An adult (18 years of age or older), may be reported missing via telephone or in person.
- b. Officer Response:
When requested by a complainant, a car will be dispatched to the complainant's location to take the initial report.
1. When gathering the information, either in person or by phone, an interview will be
-

conducted with the complainant to determine if extenuating circumstances exist. If extenuating circumstances exist, Denver 911 will be notified and a description of the missing person will be broadcast. In addition, the on-call MEP Unit supervisor will be notified.

2. If extenuating circumstances do not exist, officers will still complete a General Occurrence (GO) report.
- c. General Occurrence Reports.
 1. The title will be "Missing Person-Adult".
 2. Location of occurrence will be the last known location.
 3. Time and date of occurrence will be the last time and date seen.
 4. The missing person will be listed as the victim.
 - Include name, DOB, height, weight, hair, and eye color.
 - Include Social Security number and vehicle information.
 - List any distinguishing information in the narrative.
 5. The reporting person will be the complainant.
 6. Circumstances surrounding the missing person will be detailed in the narrative of the report.
 7. If available, have the complainant provide a photograph of the missing person.
 8. The MEP Unit detective will gather any additional information.
 9. With all missing person reports, a CCIC/NCIC Wanted/Missing Person (DPD 110/252) will be completed by an MEP Unit detective or, if extenuating circumstances exist, by the on-call MEP Unit supervisor or detective.
- d. MEP Unit Detectives – Responsibilities:
 1. Enter and maintain information about missing persons on the RMS system.
 2. All reports of a missing person will be assigned to a MEP Unit detective for follow-up investigation.

(6) MISSING SENIOR PERSON ALERTS:

Issued through the Major Crimes Division MEP Unit, at the direction of the Commander of the Major Crimes Division (or designee), and with coordination with the Colorado Bureau of Investigation.

- a. The following criteria must be met before MEP Unit personnel may consider issuing the alert:
 1. The missing person is 60 years of age or older whose whereabouts are unknown.
 2. A missing person lives in Colorado or was last known to be in Colorado.
 3. The missing person must have a verified mental condition that poses a credible threat to the safety or health of the person.

(7) VERIFIED DEVELOPMENTAL DISABILITIES ALERTS:

Issued through the Major Crimes Division MEP Unit, at the direction of the Commander of the Major Crimes Division (or designee), and with coordination with the Colorado Bureau of Investigation.

- a. The following criteria must be met before MEP Unit personnel may consider issuing the alert:
 1. The person must have gone missing while in Colorado.
 2. The person must be verified from a law enforcement agency that the missing person has a developmental disability.
-

3. There must be a signed written statement from a family member, close friend, caregiver, doctor, or medical facility that verifies that the missing person has a developmental disability(s) that manifested before the person reached 22 years of age.

(8) CIVILLY OR CRIMINALLY COMMITTED MENTAL PATIENTS - REPORTING REQUIREMENT:

For a report to be taken by this department, the missing or walk-away person must have left a facility located in the City and County of Denver.

a. Response:

Officers will be dispatched for persons wishing to report a civilly committed missing person or walk away. Officers will complete a General Occurrence (GO) report titled, "Missing Person-Adult." The MEP Unit will place a "locate only" want on the person.

1. Persons wanted on a "locate only" want (e.g., walk away or runaway) from a civil mental health commitment will not be arrested unless they are sought on a warrant or are arrested on probable cause for a criminal offense.
2. If the person for whom the "locate only" pickup has been placed voluntarily agrees to be returned to the facility from which they walked or ran away, he/she will be transported to that facility. If the officer is unsure if the person was placed in the facility on a voluntary basis, the facility should be contacted.
3. A mental health hold will not be placed unless the person for whom the "locate only" pickup has been placed exhibits behavior that establishes the need for a mental health hold.
4. A General Occurrence (GO) report titled, "Letter to Detectives" will be made and routed to the Missing Persons handle whenever a person contacted is the subject of a "locate only" want issued for walk away or runaway from a civil commitment. The MEP Unit will cancel the want.

(9) UTILIZATION OF THE MEDIA:

a. Media Releases:

The Public Information Office (PIO) of the Denver Police Department, in concert with the MEP Unit, utilizes the electronic media, radio, and television to immediately broadcast information about missing, endangered, or abducted children. Media releases can be activated for endangered or abducted adults as well. Media releases will assist in generating community awareness in a short period of time. The Commander of the Major Crimes Division (or designee) will represent the Denver Police Department for media activation purposes.

b. Criteria:

1. The missing child is under 12 years of age.
2. An investigation has occurred and the disappearance/abduction is verified.
3. The missing person is believed to be in danger of serious harm or death.
4. The missing child or adult is believed to have a proven mental or physical disability and/or a condition that requires immediate attention.
5. Extenuating circumstances exist.
6. Evidence exists to indicate that the missing child was abducted.
7. Evidence exists that an adult was abducted.
8. Sufficient information is available to disseminate to the public that could assist in locating the missing person, suspect, or suspect vehicle.

c. Activation:

1. All procedures of this entire section will be followed.
-

2. When criteria are met, the Commander of the Major Crimes Division (or designee) will contact the Public Information Office of the Denver Police Department.
3. The Public Information Office representative will facilitate the release of all pertinent missing person information to the media outlets.
4. Information release will be facilitated through broadcast fax and/or broadcast email from the Public Information Office to the media outlets.
5. The Colorado Bureau of Investigation will be notified at 303-239-4211 by the MEP Unit prior to releasing information to the media of incidents meeting criteria outlined in:
 - OMS 308.08(7) - Amber Alerts
 - Section (6) – Missing Senior Persons Alerts
 - Section (7) – Verified Developmental Disabilities Alerts.
- d. AMBER Alerts – see OMS 308.08(7) for criteria.
- e. Cancellation:

The Commander of the Major Crimes Division (or designee) is responsible for cancellation of an alert.

(10) LOCATING MISSING PERSONS:

- a. Missing person wants are not warrants:

A missing person want, local or national, is not a warrant and the person cannot be arrested for being sought as a missing person.

 1. Missing persons who are physically or mentally handicapped will be handled in accordance with the procedures found in OMS 104.30 Processing the Mentally ill.
- b. Officers contacting a person listed as missing will:
 1. Determine if the person is acting under his/her own free will;
 2. Document how the person was identified and the circumstances of the contact in a General Occurrence (GO) report with an offense code titled "Letter to Detectives", and route the letter to the Missing Persons handle.
 3. Advise the person that a missing persons report has been filed and inform the person which agency placed the want;
 4. If a missing person is arrested for a crime, all missing person reporting procedures still apply.
 5. Any persons or agency requesting information about police contact with missing persons will be referred to the MEP Unit during normal business hours.

(11) REPORTING MISSING OR RUNAWAY JUVENILES:

Reports of missing or runaway juveniles will be taken under the following circumstances;

- The juvenile is a resident of the City and County of Denver, or
 - There is credible information indicating that the juvenile was last believed to be within the City and County of Denver.
- a. General Occurrence (GO) Report:

When reporting a missing child or runaway 12-17 years of age, the GO report will be titled, "Runaway-From Denver".

 1. All missing child or runaway complaints will be taken in person, with the exception of facilities registered with the MEP Unit. Officers dispatched to or otherwise notified of a missing child or runaway will ensure completion of a report rather than referring the complainant to MEP.

2. A photograph of the missing or runaway juvenile will be sent via inter-department mail to the MEP Unit.
3. MEP Unit detectives are responsible for all follow-up investigations involving reported runaways or missing children.
4. Under unusual or extenuating circumstances, the supervisor at the scene will contact the MEP Unit or the on-call MEP Unit supervisor.
5. Treatment/care facilities registered with the MEP Unit may report runaway children in accordance with procedures listed under OMS 308.06(11) e.
- b. **Extenuating Circumstances:**
When the child being reported is missing under extenuating circumstances, officers should refer to OMS 308.08, Denver Police Department Missing or Abducted Child Response. The MEP Unit supervisor should be contacted through the Denver 911 supervisor.
- c. **Juveniles Returning to Personal Residence:**
If a juvenile runs away from foster care to his/her own home, police officers do not have the legal authority to remove the juvenile from his/her own home unless the juvenile is in immediate danger, refer to OMS 308.03, Taking Children into Protective Custody. If the juvenile is not in immediate danger, officers will:
 1. Contact the on-call social worker through DDHS's Hotline at 720-944-3000. If DDHS has been awarded custody of the juvenile, the social worker can respond to the officer's location and take custody of the juvenile. If DDHS has not been awarded custody, they must get a verbal or written order from a Denver judge to take the juvenile out of the home. Once this is completed, officers can assist DDHS with an attempt to take custody of the juvenile.
- d. **Married Person Under 18 Years of Age:**
When a married person under 18 years of age is being reported missing by his/her spouse, officers will complete a General Occurrence (GO) report titled, "Missing Person-Juvenile." Should extenuating circumstances exist; the on-call MEP Unit supervisor will be contacted.
- e. **Runaways from Treatment / Care Facilities:**
Treatment/care facilities registered with the MEP Unit reporting runaway children may follow this procedure:
 1. Treatment/care facility personnel may make a report of a runaway child in person, or, if they are registered with the MEP Unit, by faxing or emailing a completed Request for Apprehension of a Runaway Child (DPD 100) to the Juvenile Section.
 2. The Juvenile Section representative will complete a GO report and provide a case number to the treatment/care facility representative.
 3. If the child is believed to be missing under extenuating circumstances, the on-duty or on-call MEP Unit supervisor will be notified.
- f. **Locating Missing or Runaway Juveniles – See OMS 401.03.**

308.07 KIDNAPPING CASES

(1) MEP UNIT:

Investigations of all kidnapping cases where the victim is still missing will be investigated by the MEP Unit.

- If the victim of the kidnapping is a child, officers should refer to OMS 308.08, Denver Police Department Missing or Abducted Child Response. The MEP Unit supervisor should be contacted immediately through Denver 911.

(2) CHILD CUSTODY DISPUTES:

Child custody disputes and violation of custody order or order related to parental responsibilities (CRS §18-3-304).

- a. If an officer is present with a child and the disputing parties, and:
 1. One party has obtained a protection order against the other party; the officer will be guided by OMS OMS 104.35.
 2. If the welfare of the child is not endangered, the child will be left with the person who was awarded custody through a Colorado court. If there is a court order from another state, officers must contact a MEP supervisor for direction.
 3. If officers determine that the welfare of a child in their presence is in immediate danger, see OMS 308.02 and complete the necessary paperwork.
- b. In any circumstance where the child is not present and the allegation is a violation of a custody order or order related to parental responsibilities (CRS §18-3-304), a preliminary investigation will be conducted.
 1. Officers will attempt to locate and return the child to the party who was awarded custody.
 2. If the child is not found and there is no indication the child may be endangered, officers will complete a General Occurrence (GO) report with an offense code titled, "Letter to Detectives," routing the letter to the Missing Persons handle. Officers will send statements from the complainant and any witnesses to the MEP Unit via inter-department mail. All parties should be ordered in to the MEP Unit the next day at 0900 hours.
 3. If there is any indication that the child may be endangered, or that the child may be taken out of the state or country in violation of a custody order or order related to parental responsibilities (CRS §18-3-304), for the purpose of denying the other parent custody, the MEP supervisor will be contacted through Denver 911. Officers should then refer to OMS 308.08, Denver Police Department Missing or Abducted Child Response.
- c. In unusual circumstances or situations that are not clearly covered by procedure, the officer will request the presence of a supervisor. The supervisor is encouraged to call the MEP Unit or the on-call MEP Unit supervisor for advice or assistance.

308.08 MISSING OR ABDUCTED CHILD RESPONSE

(1) PURPOSE:

This policy establishes responsibilities and guidelines regarding the Denver Police Department's response to reports of missing or abducted children, and will be used in conjunction with OMS 308.06, Missing Adults and Runaways.

(2) POLICY:

It will be the policy of the Denver Police Department to thoroughly investigate all reports of missing or abducted children in the City and County of Denver. In addition, this agency holds that every child reported as missing with extenuating circumstances will be considered "at risk" until information to the contrary is received. At the scene of a child missing with extenuating circumstances, as defined in OMS 308.06 (3), the ranking member of the Major Crimes Division who may be present will be in complete charge of the incident without regard to the rank of officers present from other divisions. Under such circumstances, the senior representative of the Major Crimes Division will establish liaison with the command post or uniformed command officer at the scene, and make all requests for assistance from the patrol district through the command post or through the regular chain of command of that division, as appropriate.

(3) DEFINITIONS:

Extenuating circumstances:

- A missing child who is under the age of 12.
- A child whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk.
- A child who has a medical condition, physical disability, or mental disability which subjects them or others to personal danger
- A missing child who is believed to be: Out of the “zone of safety” for his/her age and developmental stage, a potential victim of foul play or sexual exploitation, with adults who could endanger him or her and/or missing under any circumstance that indicates the disappearance may not have been voluntary.

(4) DETERMINATION OF EXTENUATING CIRCUMSTANCES:

- a. If it is determined that extenuating circumstances do not exist, and the child is classified as a runaway (defined as “any child who is 12 years of age, but not yet 18 years of age and the disappearance is the result of the child’s actions” [OMS 308.06 (11)]), standard reporting guidelines for runaway children will apply. If the reporting person knows the child’s whereabouts, the responding officer will assist in locating and returning the child.
- b. If it is determined the child is missing under extenuating circumstances, the following procedures will be apply. The search for a missing child is a cooperative effort involving Denver 911, patrol districts, and the Major Crimes Division. Every missing child requires different types of investigative techniques depending on the circumstances. This procedure should be used in cases of missing children, but depending on the circumstances not every item may be used. This policy is to be used as a guideline in a missing child case. The main goal of any search is the safe recovery of that child.

(5) DENVER 911 PROCEDURES:

- a. Missing children under extenuating circumstances will be dispatched as priority one or two.
- b. Immediately dispatch an officer to the scene of the report and notify a district supervisor.
- c. Transmit the appropriate information to all channels. A critical responsibility of the call taker is to obtain sufficient information from the reporting party for immediate airing, detailing circumstances of the child’s disappearance.
- d. If there is an indication the child has been kidnapped, surrounding jurisdictions should be notified. Information about the possible abductor must be aired with special emphasis on the description of the suspect and vehicle used, as well as direction of travel.
- e. Basic descriptive information should include the child’s height, weight, hair color, eye color, and clothing, as well as the location where he/she was last seen.
- f. Information regarding any prior call should be obtained and relayed to the responding officer(s). If possible, information can be gathered by the call taker of any prior complaints in the area the child was taken or missing from that might have investigative value. Particular attention should be given to complaints involving enticement of children, attempted kidnappings, suspicious persons and public indecency.

(6) PATROL RESPONSE:

- a. Respond promptly to the scene of the report and interview family member/person(s) who made the report and identify circumstances of the disappearance.
 - b. If the officer determines there are extenuating circumstances, the MEP Unit supervisor must be contacted through Denver 911 and a district supervisor will respond to the scene. Time is essential when investigating a missing child. The officer needs to quickly identify the circumstances of the child’s disappearance to determine if a call out is necessary.
 - c. Confirm that the child is in fact missing. Search the child’s home; even if the child was reported missing from a different location and the home has already been searched. Officers should never
-

assume that searches have been performed in a thorough manner, and should themselves search the home and surrounding area, paying attention to places a child could be trapped, sleeping, or hiding. Special attention should be given to refrigerators, freezers, fold-out couches, and vehicles, including the vehicle trunk.

- d. Obtain a detailed description of the missing child and/or suspect and vehicle, and have information aired citywide, and to surrounding jurisdictions. If circumstances indicate a non-family abduction, information should be distributed statewide.
- e. If the child has been abducted from a Denver hospital, consider setting a perimeter around the hospital to reduce possible escape routes for the suspect. Immediately notify Denver 911 to have the MEP Unit supervisor contacted.
- f. Give the child's and/or suspect's information to RTD, local cab companies, and any other private or city entities whose mobility may assist in locating the child and/or suspect.
- g. Verify the child's custody status and whether or not custody issues could be involved with the physical location of the child.
- h. Gather a list of all family members who are not at the scene. This includes family members the reporting persons contacted, but who are not on scene.
- i. Determine when, where, and by whom the missing child was last seen.
- j. Secure video recordings/photographs of the missing child and/or the suspect.
- k. Seal/protect the scene where child was taken from.
- l. Consider assigning personnel inside the child's home to monitor incoming calls.
- m. Complete a neighborhood survey, separating witnesses who are critical to the investigation for interviews.
- n. Determine if the child had access to the Internet and/or a cell phone and advise responding detectives.
- o. Determine if a grid search for the child is necessary, and if so, coordinate the search with investigative personnel. Treat areas of interest as potential crime scenes.
- p. Determine if surveillance or security cameras in the vicinity may have captured information about the child's disappearance and advise responding detectives.
- q. Complete required reports and make required notifications.

(7) MAJOR CRIMES DIVISION RESPONSE:

- a. When a child is missing under extenuating circumstances, and the MEP Unit supervisor is contacted, a determination will be made whether a call out should occur. If detectives are called out, a minimum of one detective from the MEP Unit will be called, and the need for additional personnel will be evaluated with regard to the following:
 - Circumstances surrounding the disappearance, which include but are not limited to, the verification of a non-family abduction.
 - Activation of the AMBER Alert system.
 - Age of the child.
 - Mental capacity of the child.
 - Any evidence that indicates the child is in immediate danger.
 - Amount of time the child has been missing.
 - Number of witnesses that need to be interviewed.
 - b. Once a call out is initiated, the Major Crimes Division commander will be notified of the circumstances surrounding the disappearance and the number of personnel that have been called out.
-

- c. When members of MEP Unit arrive, they will meet with the patrol supervisor to obtain the facts of the case and determine what additional steps need to be taken by the patrol district.
- d. MEP Unit personnel who respond to the scene will investigate the child's disappearance using sound investigative techniques. The MEP Unit supervisor will go through the Missing Child Investigation Checklist to ensure that all pertinent steps have been made.
- e. AMBER Alerts will be issued through the MEP Unit at the direction of the Commander of the Major Crimes Division (or designee). Detectives must quickly determine if the disappearance falls under the criteria for an Amber Alert. If it does, information on the disappearance should immediately be given to the Colorado Bureau of Investigation.

AMBER Alert criteria:

- The child must be 17 years of age or younger.
 - The child must be in immediate danger of serious bodily harm or death.
 - There must be enough descriptive information to believe a broadcast will assist or help in the recovery.
 - f. Along with the ongoing investigation, if an AMBER Alert is issued the following will IMMEDIATELY take effect:
 - 1. Personnel will be assigned to answer telephones in the Major Crimes Division;
 - 2. Lead sheets will be completed on all calls and reviewed by a supervisor, who will assign personnel to investigate pertinent leads;
 - 3. A determination will be made by the Major Crimes Division Commander (or designee) if the command post will be brought to the scene of the disappearance. If the command post is used, it will be established away from the parents' home and away from the media;
 - 4. A Public Information Officer (PIO) will be notified and respond to the scene, establishing a staging area for the media that is away from the crime scene, the command post, and the victim's home.
 - g. Missing Child Investigative Checklist:

NOTE: This is to be used by members of the Major Crimes Division when investigating a report of a missing or abducted child. Not every item in this list may be used depending on circumstance. This is to be used as a guideline in cases of missing children.

 - 1. Verify that the child is in fact missing. When MEP Unit detectives arrive, they will search the home, even if patrol officers have already done a search. Be aware that a small child can fit into a very small space. Detectives should pay particular attention to fold out couches that are inside the home and other areas where the child's breathing may be restricted.
 - 2. Verify a missing child's custody status and identify legal guardians.
 - 3. Determine if the case fits the criteria for an AMBER Alert. If it does, detectives must contact the Colorado Bureau of Investigation to issue one. This should be done as quickly as possible.
 - 4. On child abductions, document the crime scene to include video recording where the child was taken from.
 - 5. Obtain a photograph of the victim/missing child and create flyers for distribution through the National Center for Missing and Abducted Children's Locator program.
 - 6. Consider the need for a telephone hotline. This is required if an AMBER Alert is issued.
 - 7. Contact the National Center for Missing and Exploited Children.
 - 8. Assign a scribe.
-

9. Ensure that the description of the missing person has been broadcast to Denver and surrounding law enforcement jurisdictions.
 10. Notify the media and other city agencies as appropriate. The PIO should be utilized for release of information to the media. Due to their mobility, bus and taxicab companies should be notified as well.
 11. Have the child entered into NCIC.
 12. For a missing child, identify their "zone of safety" with consideration of their age and developmental stage.
 13. Search the victim's/missing child's home and room for leads.
 14. Determine if the child had internet access. If so, check the device/computer for any leads.
 15. Document the crime scene or the location where the victim/missing child was last known to be.
 16. Interview reporting persons and the victim's/missing person's family. If necessary, polygraph personnel can be utilized in the investigation.
 17. Interview individuals who were last in contact with or who last saw the victim.
 18. Interview all other parties who may have information regarding the victim.
 19. Police Department personnel should remain with the parents or reporting persons at all times during an active search for the victim/missing child. Notes should be taken of all statements made by these persons. Patrol officers may be utilized for this, but should remain close to the reporting persons to hear any conversation.
 20. Determine if the family has had persons to the house who are out of the ordinary. For example, persons doing repairs, maintenance, or other workers.
 21. If there is no one else at the victim's/missing person's home or his/her parent's home, an officer should be assigned to intercept all telephone calls. Recording equipment should be considered.
 22. Check cars in the area and have the car trunks opened. Consider the use of volunteers to assist in the search. Use of volunteers should be carefully considered because of the possibility of crime scene contamination. A possibility also exists that a suspect may want to be part of the search. The use of volunteers must be approved by the Major Crimes Division Commander and coordinated by MEP Unit personnel.
 23. Ensure all leads are being recorded and followed up on as appropriate.
 24. Document the perimeter of any search and consider perimeter modification.
 25. Conduct a neighborhood survey. Officers conducting this survey should also document all license plates in the neighborhood. MEP Unit detectives will research these license plates.
 26. Establish a command post if necessary, and should be located away from the victim's/missing child's home. A separate media staging area can also be established, which should be away from both the command post and the home.
 27. Contact air support (Air 1) for searches that involve large areas.
 28. Search dogs may be considered and used when appropriate.
 29. Consider the use of ITN (Intrado Target Notification) to contact residents/occupants of homes near where the child is missing from. While the facts of the case will determine the distance of the Emergency Phone Notification (EPN) launch, the smallest distance should be considered based on those facts. The following should be considered before launching an EPN:
-

- The risk of serious bodily injury or death to the missing child and/or adult;
 - The amount of time the child or adult has been missing;
 - Information that indicates an EPN launch would help in locating the child or adult;
 - The missing child and/or adult involves extenuating circumstances;
 - Any EPN launch initiated for the Major Crimes Division must first be approved by the commander of that division.
30. Conduct records research/criminal history searches on all involved persons.
 31. Retrieve all prior family information from DDHS at 720-944-3000.
 32. If there is any indication the child may have been kidnapped, obtain a list of all registered sex offenders who live/work in the area the child was last seen.
 33. Contact all family and friends of the child, and the friends' families (including persons who are not on scene). This includes persons the family has already contacted, but whom are not present.
 34. If appropriate, contact Denver Public Schools to obtain contact information for students who go to school with the victim.
 35. Consider retrieving medical and dental records for later use.
 36. Consider obtaining a sample of the child's hair for DNA purposes.
 37. The Commander of the Major Crimes Division will determine what further investigative steps will be completed after all leads have been exhausted.

(8) USE OF CANINES FOR MISSING / ABDUCTED PERSONS INVESTIGATIONS:

- a. Upon request by the MEP Unit, Front Range Rescue Dogs search teams may be requested for the following searches:
 - Missing children;
 - Missing elderly persons with diminished ability due to an age-related malady, disability, or memory loss;
 - Special needs person of any age with a physical or mental disability, which subjects that person to danger.
 - b. A member of the MEP Unit will determine the need for the Front Range Rescue Dogs search team after considering the following:
 1. Amount of time the person has been missing;
 2. Circumstances surrounding the incident;
 3. Whether the incident is related to a criminal event.
 - c. If the incident meets criteria for use of a Front Range Rescue Dogs search team, the MEP Unit detective will:
 1. Contact a K-9 Unit or METRO/SWAT supervisor to determine if a Denver Police Department K-9 would be feasible for the search;
 2. If METRO/SWAT K-9s are not suitable for the search, a Denver 911 supervisor will be contacted to determine availability of a Front Range Rescue Dogs search team.
 - d. Denver 911 will be responsible for the following:
 1. Upon request, a Denver 911 supervisor will verify through a METRO/SWAT supervisor that a department K-9 will not respond;
 2. Request a Front Range Rescue Dogs search team trailing dog through the Boulder County Sheriff's Office Dispatch Center, 303-441-4444;
 3. Provide the call taker with the name and phone number of the on-scene MEP Unit
-

detective (The detective will be contacted by a representative and/or the responding team member from Front Range Rescue Dogs);

4. If a team is available, requesting an estimated time of arrival.
- e. Front Range Rescue Dogs (FRRD) search teams consist of one handler, one dog, and one operational support member:
 1. FRRD teams will be accompanied by a minimum of one uniformed Denver police officer;
 2. FRRD handlers or support members will not be left unescorted at any time during the search;
- f. If during the search it is determined that a crime has occurred or a suspected crime scene is discovered, the search will stop immediately. Denver Police Department personnel will secure the scene and notify the on-scene MEP Unit detective.

(9) RECOVERY OF THE CHILD / REUNIFICATION WITH THE FAMILY:

- a. When a child is recovered, MEP Unit personnel are responsible for notifying the appropriate agencies and canceling the NCIC pickup, CCIC/NCIC Wanted/Missing Person (DPD 110/252).
 - b. Upon recovery, officers should not question the child. An MEP Unit detective will respond to the recovery location. The child should be interviewed by MEP Unit personnel who are trained in the forensic method of interview. If information from the child is immediately necessary, this should be done by the MEP Unit detective.
 - c. Be aware of evidence that may be on the child and/or the child's clothing.
 - d. Release of the child to the family will be done by MEP Unit personnel. Family members should not be taken to the recovery scene.
 - e. MEP Unit personnel will consider contacting DDHS in assisting with placement of the child and/or reunification with the family.
 - f. MEP Unit personnel will consider calling the Victim's Assistance Unit to provide the family with services.
-

309.00 – BIAS-MOTIVATED CRIMES

309.01 Overview

- (1) It is the policy of the Denver Police Department to protect the rights of all individuals regardless of their race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon these rights are considered to be very serious and will be given high priority by the department.
- (2) A person commits a bias-motivated crime if, when the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, he/she:
 - a. Knowingly causes bodily injury to another person; or
 - b. By words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property and such words or conduct are likely to produce bodily injury to that person or damage to that person's property; or
 - c. Knowingly causes damage to or destruction of the property of another person. See C.R.S. §18-9-121 (2).
- (3) General Occurrence Reports (GO)
 - a. All incidents of bias-motivated crimes are to be documented using a General Occurrence report, DPD 250.
 - b. In the narrative, describe specific factors that led to the determination of a possible hate crime. Use exact language when noting either oral statements or written expressions made by the offender. Be specific when citing or describing the motivation for bias.
- (4) Officers responding to bias-motivated crimes should be aware that these crimes are unique. Victims are targeted solely because of their identity or individual characteristics and often feel humiliated or fear having their privacy compromised. Officers shall complete the following steps when responding to bias-motivated crimes:
 - a. Look for signs, symbols, or other evidence that may indicate a bias-motivated crime.
 - b. Request that a supervisor respond to the scene.
 - c. Preserve the crime scene; collect and photograph physical evidence.
 - d. Obtain thorough written statements from the victim(s) and or witnesses.
 - e. Request the services of the Victim Assistance Unit.
- (5) Detectives assigned to the Domestic Violence Unit will investigate all reported cases of bias-motivated crimes. The following shall be completed in conjunction with the investigation:
 - a. The assigned detective will ensure a complete and thorough investigation into every reported incident of bias-motivated crime.
 - b. The Commander of the Major Crimes Division will receive a copy of every completed bias-motivated case through the chain of command.
 - c. For purposes of quality control, the Commander of the Major Crimes Division or his/her designee will record relevant data associated with NIBRS Reporting. Comparisons will be made with the Data Analysis Unit to ensure the accuracy of annual statistical reporting.
 - d. In accordance with the Colorado Victim Rights Amendment (VRA), individuals victimized by bias-motivated crime have specific rights afforded to them under this constitutional amendment. Among them are:
 1. Any person who is a victim of a criminal act, or such person's designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal justice process. All terminology, including the term "critical stages," shall be defined by the general assembly.

2. The decision not to file charges is now a “critical stage.” Victims have the right to be informed (but not present) of decisions not to file charges in a VRA case. The investigating detective will be responsible or notifying victims of filing decisions and documenting the details of the notification in the supplementary report.

310.00 – ASSAULT TO PEACE OFFICER INVESTIGATIONS – *New Section (05-2011)*

310.01 Overview

- (1) To ensure compliance with Colorado State Statutes and the Operations Manual of the Denver Police Department, this section shall delineate measures for notification of victims, documenting information, and reviewing Assault to Peace Officer cases.

310.02 Colorado State Statutes and Denver Police Department Policy

- (1) Colorado Victim Rights Statute, C.R.S. §24-4.1-302.5 requires that police officers provide certain information to victims of specified criminal acts that include:
 - a. Any crime of violence reported as a violation of state statute (e.g. murder, kidnapping, robbery, assault, sexual assault, harassment by stalking, ethnic intimidation, etc)
- (2) Operations Manual Section (OMS) 104.40 requires officers to comply with the Colorado Victim Rights Statute, C.R.S. §24-4.1-302.5 and complete the following:
 - a. Officers and investigating detectives shall, at a minimum, advise crime victims described in C.R.S. §24-4.1-302.5, of the following information:
 1. The telephone number for the Denver Police Department Victim Assistance Unit
 2. Detectives assigned to investigate Assault to a Peace Officer cases shall ensure that a copy of the General Occurrence (GO), and/or case documents showing a phone number or location where the victim(s) can be contacted is immediately forwarded to the Victim Assistance Unit
 3. The Victim Assistance Unit will contact the victims and provide the needed information and assistance
- (3) OMS 14.25 Duties and Responsibilities requires detectives to attempt notification of crime victims any time there is a change in the status of their case and include the details of the status change and the victim notification in their supplemental report.

310.03 Definitions

- (1) Peace Officer:
 - a. C.R.S. §18-3-201 (2) defines a peace officer as a person described in §16-2.5-101, C.R.S. and certified by the Peace Officer Standards and Training Board (P.O.S.T.), who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer. This applies whether or not the peace officer is within the territorial limits of his or her jurisdiction, if the peace officer or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward such peace officer or firefighter knows or reasonably should know that the victim is a peace officer.
 - b. A peace officer includes non-certified deputy sheriffs described in C.R.S. §16-2.5-103 (2).
 - c. For purposes of this section, 'federal law enforcement officer' means persons employed as full-time law enforcement officers by the federal government authorized to carry firearms while performing their duties and make forcible arrests when necessary.
- (2) Offenses:
 - a. Scope of police duties for purposes of assault statutes: A law enforcement officer is "engaged in the performance of his duties" while making, in good faith, an arrest or stop which may be later adjudged to be invalid, unless he is on a personal frolic or resorts to unreasonable or excessive force.

- b. A person violates C.R.S. §18-3-202 (1) (e), Assault in the First Degree if:
 - 1. A person acting with intent to cause serious bodily injury upon the person of a peace officer threatens a peace officer engaged in the performance of his or her duties with a deadly weapon and the offender knows or reasonably should know that the victim is a peace officer acting in the performance of his or her duties.
- c. A person violates C.R.S. §18-3-203 (1), Assault in the Second Degree if:
 - 1. With intent to prevent one whom he or she knows, or should know, to be a peace officer from performing a lawful duty, he or she intentionally causes bodily injury to any person.
 - 2. While lawfully confined or in custody, he or she knowingly and violently applies physical force against the person of a peace officer or firefighter engaged in the performance of his or her duties
- d. A person violates C.R.S. §18-3-204 (1), Assault in the Third Degree if:
 - 1. The person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person causes bodily injury to another person by means of a deadly weapon.
 - 2. A person, with intent to infect, injure, harm, harass, annoy, threaten, or alarm another person, whom the actor knows or reasonably should know to be a peace officer, a firefighter, or an emergency medical technician, causes such other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means, including, but not limited to throwing, tossing, or expelling such fluid or material.
- e. A person violates Denver Revised Municipal Code (DRMC) Sec. 38-93 - Assault if:
 - 1. It shall be unlawful for any person to intentionally or recklessly assault, beat, strike, fight or inflict violence on any other person.

310.04 Reporting and Investigative Procedures: (REV. 03-2013)

- (1) General Occurrence Reports (GO)
 - a. Officers shall report and document all initial incidents of Assault to a Peace Officer using the General Occurrence Report .
 - b. Title the report Assault to a Peace Officer as the primary offense.
 - c. In the narrative, describe specifically the circumstances of the incident that support the elements of Assault to a Peace Officer.
 - d. Obtain detailed statements from all victims, witnesses, and suspects involved in the incident.
 - e. Follow the procedures outlined in OMS 301.02 when interviewing witnesses or suspects.
 - f. Officers with questions about procedures or needing assistance during the initial investigation shall contact a district detective unit supervisor or detective in the district where the assault occurred. General assignment detectives assigned to the Major Crimes Division are also available to provide assistance when the offense/investigation transpires after normal business hours. .
 - g. Shootings of a peace officer shall follow the investigative protocols outlined in OMS 105.04.
- (2) Assignment and Investigation
 - a. District investigations units will investigate all reported cases of Assault to a Peace Officer unless directed otherwise by the Commander of the Major Crimes Division. .
 - b. The assigned detective will ensure a complete and thorough investigation and shall document all facts, circumstances, and elements of the incident within their supplemental report.
 - c. Assigned detectives shall compare the circumstances and evidence of the incident delineated in their case file, to the elements required by the Colorado Revised Statutes as it pertains to the Assault to a Peace Officer.
 - d. Assigned detectives shall personally contact the victim officer and inform them of the investigative process that will occur.

- e. Assigned detectives shall attempt contact and interviews with all victims, witnesses, and suspects identified and linked to the Assault to a Peace Officer incident. Assigned detectives shall interview and re-interview victims, witnesses, and suspects, as necessary, to complete a thorough investigation.
- f. Assigned detectives shall conduct all additional inquiry necessary to ensure a thorough investigation that includes, but is not limited to crime scene examination, evidence collection, witness location, photographing injuries, and laboratory testing.
- g. Detectives shall document all investigative effort within the supplementary report of the case file.

(3) Investigative Review and Presentation to the District Attorney

- a. The investigating detective shall present the case file to the District Attorney for consideration of formal charges. During the presentation meeting, the investigating detective shall discuss supporting evidence and information, as well as weakness of the case file considering all included investigative material. The investigating detective shall document the presentation meeting and filing decision of the District Attorney in their supplemental report.
- b. Irrespective to the decision of the District Attorney, the actions taken by the investigating detective signals a status change in the case that requires victim notification. In accordance with the Colorado Victim Rights Amendment (VRA), individuals victimized during an Assault to a Peace Officer incident have specific rights afforded to them under this constitutional amendment.
 - 1. The investigating detective will be responsible for notifying victims of District Attorney filing decisions and documenting the details of the notification in the supplementary report.
 - 2. When the District Attorney accepts the case for filing, the investigating detective shall only notify the victim officer of the case acceptance and inform them that the victim assistant for the District Attorney will contact the officer regarding future court activities.
 - 3. When the District Attorney refuses the case or suggests city charges, the investigating detective shall inform the victim officer of the decision and describe, as best as practical, the reasons for the decision.
 - A. When the District Attorney suggests city charges in cases where the victim is a police officer, the investigating detective shall contact the City Attorney to discuss the investigation, and to ensure the investigation meets all elements of the offense.
 - B. Irrespective to the City Attorney's decision to file charges, the investigating detective shall note the decision within their supplemental report. The investigating detective shall also notify their commanding officer and the affected officer(s) of the decision.
 - 4. When the District Attorney rejects the case for additional investigation, the investigating detective shall inform the victim officer that further investigation is occurring and that the investigating detective shall notify them as new information becomes available.
 - 5. Although unusual with this type of investigation, when the investigating detective cannot support a filing and inactivates the case, the investigating detective shall consult with their supervisor and command prior to case inactivation. Should all concur that there is nothing further to pursue at that time, the investigating detective shall notify the victim officer of the decision and answer questions that would not compromise any future investigation should new information become available.
 - 6. The Commander of the Major Crimes Division will receive a copy of every completed Assault to Peace Officer case through the chain of command.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



401.00 JUVENILE PROCEDURES

REVISED: 11/14/2016

PAGE: 1 OF 15

401.01 GENERAL GUIDELINES

(1) POLICY:

The procedures established by the Denver Police Department for handling juveniles are influenced by Colorado Revised Statutes (CRS) and the policies of the Denver Juvenile Court.

- a. CRS Title 19, "Children's Code" states that "a juvenile may be taken into temporary custody by a law enforcement officer without order of the court when there are reasonable grounds to believe that he or she has committed a delinquent act." A juvenile arrest must meet the same level of probable cause as would be required in an adult arrest. This probable cause must be articulated in all the reports relating to the arrest.
- b. The Juvenile Section (303 W. Colfax Avenue, Suite 100) is designed to facilitate the processing and placement of juveniles taken into police custody. On a case-by-case basis, officers are encouraged to use their discretion (within parameters of department policy) and best judgment in deciding what action is to be taken in dealing with juveniles and to take into consideration what would best serve the needs of all concerned parties.
 - Lecture and release to parents
 - Order-in to concerned investigative unit
 - Order-in to Juvenile Court (4F) for minor city ordinance violations
 - Arrest for misdemeanor and felony offenses
- c. The Unified Summons & Complaint is used to order a juvenile offender directly into Denver County Court for violations of city ordinances. County Court has limited sentencing and penalty powers, and is only meant to handle minor criminal offenses. Per Denver City Charter section 34-17, the county court can fine a minor up to \$999.00 per offense, suspend the sentence, defer the judgment, place the juvenile on probation, or order the minor to attend a counseling program approved by the court.
- d. A child nine (9) years of age and younger cannot be held for a crime. In all cases where a child nine (9) years of age and younger is suspected of a crime, officers will generate a General Occurrence (GO) report, titled "Letter to Detective".
 - The child will be released to their parent or legal guardian. If no parent or legal guardian can be located, officers will contact the Denver Department of Human Services hotline at 720-944-3000 and ask for assistance in placement of the child.
 - A copy of a Request to Appear (DPD 75) and/or Protective Custody Notice (DPD 140) will be left at the child's residence.

(2) DEFINITIONS:

Child/Juvenile: Any person under eighteen (18) years of age

Delinquent Act: Any juvenile ten (10) years of age or older who has violated any federal or state law, or municipal ordinance, except:

- Non-felony state traffic, game and fish, and parks and recreation laws or rules.
 - The offenses specified in CRS §18-13-121, concerning tobacco products.
 - The offense specified in CRS §18-13-122, concerning the illegal possession or consumption of ethyl alcohol or marijuana by an underage person or illegal possession of marijuana paraphernalia by an underage person.
-

- Offenses specified in CRS §18-18-406(5)(a)(I), (5)(b)(I), and (5)(b)(II), concerning marijuana and marijuana concentrate.
- Any municipal ordinance except traffic ordinances, the penalty for which may be a jail sentence of more than ten days.

Status Offenses: Although the term “status offense” is not defined in the CRS Title 19 “Children's Code”, it is commonly used to identify non-criminal offenses which can be committed only by juveniles, which include:

- Runaway (see OMS 401.03)
- Truancy (do not take the juvenile into custody, but return him/her to school)
- Curfew

(3) FORMS:

The following section identifies the usage of each form as it relates to juvenile processing. Some of the forms have usage outside of the parameters of this section. See OMS 109.02.

a. Request to Appear (DPD 75):

This form originates when an officer desires to order a juvenile into an investigative unit for investigation of a suspected law violation other than an ordinance violation. Distribution of the form can be found on the face of the form. The 3rd copy of the order-in should accompany all other paperwork documenting the contact with the juvenile and the preliminary investigation. This paperwork should be left at the appropriate investigative section or unit, or forwarded through inter-department mail.

b. Juvenile Advisement/Waiver (DPD 102):

Prior to questioning a juvenile about any suspected offense, officers must complete the Juvenile Advisement/Waiver form.

1. A parent or legal guardian must be physically present during the advisement and questioning, except as provided in subparagraph 4.
2. Prior to any questioning, the parent/guardian must be given the opportunity to confer privately with the juvenile.
3. The advisement portion of the Juvenile Advisement/Waiver must be signed by the parent or guardian and the juvenile.
4. The parent/guardian and the juvenile may agree to waive the presence of the parent or guardian during questioning. If so, both must sign the Waiver of Presence located on the back of the form.
5. A bilingual juvenile suspect cannot be used as an interpreter for a non-English speaking parent/guardian for purposes of the Juvenile Advisement/Waiver and parent or guardian consent.
6. The Juvenile Advisement/Waiver will be left with, or sent to, the appropriate investigative division, section, or unit. Final disposition of the form and all needed copies will be made by the assigned investigating officer.

c. Wanted/Missing Person (DPD 252/110):

This form is completed by the Missing and Exploited Persons (MEP) Unit or the Juvenile Section. It records biographical and family data used by MEP detectives to confirm identity of juveniles reported missing or found.

d. Request for Apprehension of a Runaway Child (DPD 100):

This form normally originates at the MEP Unit and is faxed to the Juvenile Section from facilities with an agreement with the MEP Unit. The form is to be signed by a guardian when reporting a

child as missing or runaway. Exception may be required to accommodate a disabled parent or guardian.

e. Unified Summons & Complaint and Statement of Probable Cause/Affidavit for Arrest Warrant (DPD 287):

The Unified Summons & Complaint may be used to order a juvenile offender directly into Denver County Court. It may also be used to apply for an arrest warrant for certain violations of the Denver Revised Municipal Code when completed and attached to a Wanted/Missing Person form (DPD 252/110).

1. Department policy and guidelines outlined by the Denver District Attorney's Office must always be followed. Questions about this policy should be immediately addressed with the Juvenile Section (24/7) at 720-913-8970.
 2. Before issuing a US&C, an arresting officer must contact the clearance channel to determine if the juvenile is wanted on other charges.
 3. Hand Written Unified Summons & Complaint Warrant (DPD 777W) May Be Used When:
 - A juvenile is not present and his/her identity and date of birth can be verified.
 - A juvenile is charged with a non-traffic violation designated by the Denver District Attorney's Office to be filed in Denver County Court.
 - If an incident involves both a traffic charge (which is classified as a criminal or designated criminal violation) and another ordinance violation, the Unified Summons & Complaint/Warrant (DPD 777W) will be used for all charges.
 - If an incident also involves a traffic charge, which is classified as an Infraction, both a US&C/Warrant and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be issued.
 4. The US&C/Warrant Will Not Be Issued To a Juvenile:
 - As an order-in to an investigative division, section, or unit.
 - When the juvenile's identity cannot be verified.
 - When charging offenses for which the Denver District Attorney's Office directs a filing in Denver Juvenile Court, designated offenses and circumstances will be addressed in accordance with the provisions of OMS 401.02(2).
 5. Using the US&C as a Summons:
 - The US&C form is used as a summons into court when a juvenile identified in a complaint is in custody or when an officer is in contact with a relative of a suspect who is over the age of eighteen.
 - Complete the top half of the form. Indicate the charge(s) by checking the box next to a preprinted violation or write in the violation in the "Other Violations" Section. Enter a court date at least 30 days from the incident.
 6. Service:
 - Upon the defendant: a juvenile is in custody and is being served.
 - Upon a parent or relative over the age of eighteen: write in the name and relationship of the person.
 - By certified mail: a detective has established the identity, age and current address of a juvenile suspect but has been unable to serve the juvenile, the juvenile's parents or an adult member of the juvenile's family.
 7. Using the US&C as a Warrant (DPD 777W):
-

- At a minimum, the information necessary for an arrest warrant affidavit is that sufficient probable cause exists to believe that the named suspect committed the violation, the suspect is identifiable and the officer must have the suspect's name and date of birth. Do not complete service information or assign a court date.
- If the name and date of birth are not available, a General Occurrence (GO) report must be completed.
- If sufficient identifying information is available but the named suspect or family member cannot be located, complete as much of the biographical information as possible and enter the appropriate charge(s).
- Check "Affidavit" box on a Statement of Probable Cause/Affidavit for Arrest Warrant (DPD 287) and complete the probable cause section.
- Have the form notarized and complete a Wanted/Missing Person form (DPD 252/110).
- Completed paperwork will be sent to the Identification Section in the routing envelope (DPD 236A).
- Juveniles wanted on US&C Warrants must be processed through the Juvenile Section prior to service of the warrant.
- Prior to serving a defendant for release, issue a court date at least 30 days from service of the warrant and complete the "Service" section on the bottom of the form.
- Information concerning the arrest should be noted on the back of the form under, "Arresting Officer's Notes."
- Original paperwork must be sent to the Records Unit in a scanning envelope (DPD707), for scanning.

f. General Occurrence (GO) Report:

In cases involving the following violations, officers will complete a General Occurrence (GO) Report, including victim and witness statements.

- Domestic Violence (CRS §18-6-800.3)
- Any weapons violation, including possession of a firearm by a juvenile. This includes ALL incidents involving knives (greater than 3½ inches long), BB guns, pellet guns, and all devices that throw or project a missile (if used in a menacing manner). See DRMC 38-129, Air, gas or spring operated guns.
- Offenses committed by a juvenile while in a detention center, halfway house treatment facility, shelter, or any other place used to confine juveniles.
- Assaults or threats to a school administrator, teacher, or other staff member.
- Prostitution or soliciting for prostitution.
- Sex Crimes including Indecent Exposure.
- Assaults that cause injury to the victim which requires medical treatment (including x-rays or stitches).
- Graffiti cases with the exception of Possession of Graffiti Materials. (Most cases will be charged as CRS §18-4-509 Defacing Property.)

g. Modification of Prisoner Hold (DPD 43):

The Modification of Prisoner Hold form (DPD 43) is to be used by investigative personnel only and is used to release a police hold on a juvenile held at the Denver Health Medical Center (or any other hospital) or the Gilliam Youth Services Center. This form must be hand carried, emailed or faxed to the intake screening specialist at the Denver Juvenile Service Center.

- h. Protective Custody Notice/Request to Appear (DPD 140):
This form is prepared by an officer or detective to advise a parent or guardian that a juvenile has been taken into protective custody by the Denver Police Department, and advises the parent or guardian of their parental rights. Additionally, this form serves as an order-in to the Family Crisis Center. Distribution instructions of the original (and copies) can be found on the face of the form.
- i. Juvenile Promise to Appear (DPD 28):
This form is to be used at the discretion of detectives, deputy district attorneys, school resource officers, and Juvenile Section officers only.
 - Detectives wanting to issue a Juvenile Promise to Appear (DPD 28) must first have the juvenile respond to the Juvenile Section for processing before service. The form must not be signed by the juvenile until after processing is complete.
 - Detectives can use the Juvenile Promise to Appear (DPD 28) for misdemeanor arrests (e.g., unlawful sexual contact, defacing property, criminal mischief, etc.).
- j. Sick and Injured Report (DPD 150):
 - a. When juveniles are hospitalized and a hold order is placed, a Sick and Injured Report (DPD 150) will be completed in triplicate and distributed as follows:
 - 1. One copy will be given to the transporting paramedics or given to a Denver Sheriff Department deputy at the hospital.
 - 2. One copy will accompany the Unified Summons & Complaint. The US&C (including the statement of probable cause, arrest/bookings slip and sick and injured report) will be immediately hand-carried to the Juvenile Section.
 - 3. One copy will be sent via inter-department mail to the Missing and Exploited Persons Unit.

(4) PARENT/LEGAL GUARDIAN NOTIFICATION:

It will be the responsibility of the arresting officer to notify the parent or legal guardian of any juvenile who has been taken into custody.

- a. An exception to this requirement is when an off-duty officer apprehends a juvenile and turns him/her over to on-duty officers. It then becomes the responsibility of the on-duty officers to make notification and to see to the proper distribution of reports and any other paperwork.
- b. If unable to reach the parent/legal guardian by telephone, a uniformed officer will respond to the juvenile's home address. If the parent/legal guardian is not at home, a note will be left on the door.
- c. When the juvenile resides outside the City and County of Denver, the arresting officer will notify the Juvenile Section and provide the address and phone number of the juvenile's residence. The Juvenile Section officer will notify the law enforcement jurisdiction in which the juvenile resides and request that notification be made.
- d. When juveniles are taken into custody and placed in Gilliam Youth Services Center before the parents are contacted, the officer making notification will advise the parents to call the intake screening specialist at 720-913-8975.
- e. Other exceptions to this procedure are contained in OMS 401.03.

(5) DETENTION/TRANSPORT RESTRICTIONS:

The following detention/transport procedures will apply to all juvenile arrest/custody procedures:

- a. Juveniles will not be transported in a scout car under ordinary circumstances. Exceptions may be authorized by a supervisor or commanding officer under unusual circumstances. Under no circumstance will juveniles be transported in a scout van containing adult prisoners, unless the
-

- scout van is equipped with physical and sound barriers which separate the juvenile from any adults.
- b. Juveniles who are detained for status offenses will not be handcuffed to any stationary object and will only be handcuffed to themselves.
 - c. Juveniles will not be confined to the Van Cise/Simonet Detention Center unless ordered by a juvenile court judge.
 - d. Juveniles may be placed in the Juvenile Section temporary holding cells as long as the following conditions are met:
 - 1. Placement must not exceed six (6) hours.
 - 2. Juvenile offenders of different genders will not occupy the same cell.
 - 3. The responsibility for monitoring the activity of the juvenile while in the holding cell remains with the officer who placed the juvenile unless:
 - There are procedures at the holding cell assigning responsibility to another officer, or
 - Another officer relieves the placing officer of the responsibility.
 - e. Juveniles will not be detained in any secure detention facility under the following circumstances:
 - Juveniles identified as status offenders only.
 - At the request of any party to be held for corrective or punitive measures.
 - Juveniles requested to be held solely on a missing person report (except out-of-state runaways).
 - Juveniles who are not on probation and who have violated municipal ordinances, unless the ordinance violation is one that has been listed by the District Attorney's Office to be filed in the Denver Juvenile Court.
 - f. See OMS 113.01 for additional holding cell procedures.

(6) MENTAL HEALTH FACILITIES:

No juvenile who has been certified as mentally ill will be removed from a mental health facility without an order from a juvenile court judge. Any juvenile who is not certified as mentally ill may be taken into custody and officers will contact a Juvenile Section intake screening specialist to assist with disposition of the juvenile.

(7) HOLDS AT HOSPITALS OTHER THAN DENVER HEALTH MEDICAL CENTER:

Whenever it is necessary to place a police hold on a juvenile at a hospital other than Denver Health Medical Center, officers will call the Denver Detention Center Intake (720-337-0153 or 0154) to relay information regarding the juvenile on hold. Detention Center personnel will dispatch a Denver deputy sheriff to the facility to take custodial care of the suspect. The deputy sheriff will require a copy of the Sick and Injured report (DPD 150). The officer placing the hold must stand by until arrival of a deputy sheriff.

401.02 ARRESTS

(1) NOTIFICATION:

IN EVERY INSTANCE WHERE AN ARREST/CUSTODY OF A JUVENILE IS MADE, THE JUVENILE SECTION MUST BE CONTACTED BY PHONE (720-913-8970) AND THE INFORMATION PROVIDED. The Juvenile Section will provide direction to ensure the juvenile is properly processed.

(2) MISDEMEANOR ARRESTS:

Juvenile misdemeanor arrests will be processed by taking the juvenile arrestee to the Juvenile Section for processing. The juvenile screening officer at the Juvenile Section will determine whether the juvenile arrestee will be held pursuant to the following conditions:

a. Authority:

In accordance with Rule 3.7 of the Colorado Rules of Juvenile Procedure, "The Chief Judge in each judicial district or the presiding judge of the Denver Juvenile Court will designate a person(s) as officer(s) of the court with authority to determine whether a juvenile taken into temporary custody should be released to a parent, guardian, or other legal custodian, or admitted to a detention or shelter facility pending notification to the court and a detention hearing."

The Juvenile Services Planning Commission has been designated by the presiding judge of the Denver Juvenile Court to perform this function.

b. CRS misdemeanor offenses:

Juveniles arrested for a CRS misdemeanor offense may be held at the Gilliam Youth Services Center pending a detention hearing, with the approval of the intake screening specialist.

1. The arresting officer must process the juvenile through the Juvenile Section. The Juvenile Section will contact an intake screening specialist.
2. The arresting officers will consider the following aggravating factors as determinants in requesting a hold on CRS misdemeanor offenses:
 - Domestic violence or restraining order violations involved
 - Gang related criminal activity
 - Potential for immediate future harm to the victim, a witness or the juvenile
 - The juvenile arrested for a CRS misdemeanor is a runaway or missing person
 - The juvenile has an extensive record, particularly showing crimes of violence, or is on probation
 - The age of the juvenile
 - Refusal of a parent, guardian or verified relative over the age of 18 to take custody of the juvenile, coupled with the inability of the Denver Department of Human Services to locate shelter space
 - Repeat juvenile prostitution violation
 - Physical resistance to an arrest.
3. Juveniles arrested for CRS misdemeanor offenses who are not held will be released on home detention by Paramount Youth Services or given a Juvenile Promise to Appear (DPD 28) by a detective to appear in court. See OMS 401.05.
4. The decision of the intake screening specialist concerning non felony hold requests is made as the designated agent of the Denver Juvenile Court.

(3) FELONY HOLDS (MANDATORY OR DISCRETIONARY):

The arrested juvenile will be taken directly to the Juvenile Section. After processing, the juvenile will be transported to the Gilliam Youth Services Center by the arresting officer or an officer assigned to the Juvenile Section. Detention criteria for felony arrests are as follows:

a. Mandatory Felony Holds:

Juveniles arrested for the following offenses and/or under the following conditions will be placed in the Gilliam Youth Services Center:

1. Unless otherwise directed by the case assignment detective, any juvenile arrested for a felony offense against another person.
 2. Possession of a firearm or any offense committed with a firearm.
 3. Possession or use of an explosive or incendiary device (CRS § 18-12-109).
-

4. Any juvenile arson suspect whose actions caused injury to any person or whose actions constitute 1st, 2nd, or 3rd Degree Arson (CRS §18-4-102, 103, or 104). Mandatory detention may be waived by an Arson Investigator of the Denver Fire Department.
 5. Juveniles arrested for a felony while being listed as a runaway/missing person.
 6. Any juvenile arrested for a felony while on probation.
 7. Any juvenile arrested for a felony that physically resisted arrest.
 8. Juveniles not mandatorily held under the conditions of this section will be considered under the criteria of discretionary felony holds or order-in procedures.
- b. Juveniles arrested for the following offenses and/or under the following conditions may be placed in the Gilliam Youth Services Center under the advisement of the Juvenile Section and intake screening specialist:
1. All residential burglary suspects 14 years of age or older.
 2. All non-residential burglary suspects 16 years of age or older.
 3. All auto theft suspects who also elude or attempt to elude the police.
 4. Any auto theft suspect who has a prior auto theft arrest within the past twelve (12) months.
 5. Any auto theft suspect arrested in a stolen vehicle from outside the City and County of Denver.
 6. Any felony theft or felony theft from motor vehicle suspect 16 years of age or older who have had a felony arrest within the past twelve (12) months.
 7. Unless otherwise directed by personnel assigned to the Vice/Narcotics Section, all juveniles arrested for the following offenses:
 - Unlawful distribution, manufacturing, dispensing, sale, or possession of controlled substances (CRS §18-18-405, substances defined in CRS §12-22-309 through 312).
 - Possession of eight (8) ounces or more of marijuana or any amount of marijuana concentrate (CRS §18-18-406(4) b).
 - Fraud and deceit to obtain controlled substances (CRS §12-22-315).
 - Introducing contraband in the first degree (CRS §18-8-203) or second degree (CRS §18-8-204) or possession of a contraband in the first degree (CRS §18-18-204.1).
- c. Discretionary Felony Holds:
1. Other than the specified felony juvenile arrests, a juvenile may be detained for a felony arrest with approval of the intake screening specialist. Prior to approval, the intake screening specialist will consider the following factors and will not approve mandatory detention unless one or more of the conditions are met.
 - The identity of the juvenile cannot be verified.
 - There is evidence that the felony conduct of the juvenile will resume immediately upon release from police custody.
 - There is evidence that the arrested juvenile has threatened a victim, witness or coconspirator prior to, during, or after arrest.
 - The parent(s), legal guardian(s) or a verified sibling age 18 or older refuses to accept custody of the juvenile.
 2. Felony Traffic Offenses:

Juveniles arrested for felony traffic offenses will be held at the discretion of the Traffic Investigation Section. See OMS 204.17(7).
-

3. Home Detention:

Juveniles arrested for felonies who are not mandatorily or discretionarily held will be released on home detention by Paramount Youth Services. See OMS 401.04(2).

(4) DESIGNATED ORDINANCE VIOLATIONS:

Arrests for those ordinance violations which are designated by the Denver District Attorney to be handled as filings in Denver Juvenile Court are processed in the same manner as misdemeanor arrests or order-ins. See OMS 401.01(3)f.

(5) WARRANT ARRESTS:

- a. Arresting officers will transport the juvenile to the Juvenile Section for warrant verification and processing. The verified warrant will be:
 1. Picked up in person at the Identification Section, or
 2. Received by FAX only at the Juvenile Section.
- b. Denver County Municipal Failure to Appear (FTA), Failure to Comply (FTC) and/or Outstanding Judgment (OJW) warrants (i.e., Denver Marshal JV warrants). These warrants will be processed as follows:
 1. After verifying the warrant, the arresting officer will complete an arrest/booking slip and present it to the Juvenile Section.
 2. The juvenile will be released to a parent/legal guardian with a new court date after processing.
- c. CJIS Warrants, Failure to Comply and Failure to Appear Juvenile Division (JD) warrants, Division of Youth (DYC) warrants, and probable cause (PC) warrants:
 1. After verifying the warrant, the arresting officer will complete an arrest/booking slip and present it to the Juvenile Section.
 2. The juvenile will be placed in an authorized detention facility (unless the warrant has a specified PR bond).
- d. School Resource officers who encounter a juvenile (at school/attending class) wanted on a Denver County Court FTA or FTC (JV) warrant will order-in the juvenile and a parent/legal guardian on a Juvenile Promise to Appear (DPD 28) to the Juvenile Section within 72 hours. The order-in will be made for 1500hrs (excluding weekends and holidays). The juvenile will not be arrested while in school/attending class on these types of warrants.
- e. Probation Violation Warrants:
 1. The intake juvenile probation officer will notify the parent or guardian of a juvenile arrested pursuant to a probation violation warrant issued by Denver Juvenile Court.
 2. CCIC/NCIC will notify the agency initiating the warrant when a juvenile is arrested pursuant to a probation violation warrant issued by another jurisdiction.
- f. The Juvenile Section will not process juveniles for these types of warrants. Officers will advise the juvenile and parent/guardian about the warrant and instruct them to contact the court:
 - Municipal traffic warrants: (M) per CRS §19-2-402(1)(b)
 - Municipal out of county warrants: (JW) and (GJ)

(6) WRITS OF ASSISTANCE:

Writs of assistance are court orders issued upon application by Denver Human Services (DHS) for the apprehension of a juvenile. They require officers to take a juvenile into custody. Denver County writs of assistance are entered into CCIC/NCIC by the Missing and Exploited Persons Unit.

- a. The caseworker at the DDHS Hotline at (720-944-3000) will be contacted to determine the placement for a juvenile apprehended pursuant to a Writ of Assistance.
-

- b. The apprehending officer(s) will not be required to notify a parent or guardian.
- c. Officers will complete a General Occurrence (GO) report with an offense code titled, "Letter to Detectives," or they can complete a supplemental to the original report. The letter detailing circumstances of the contact and the outcome of the juvenile's placement will be routed to the Missing Persons handle.
- d. A copy of the Writ of Assistance must accompany the juvenile to the place of detention or shelter.

(7) DISPOSITION OF JUVENILES NOT HELD:

Juveniles arrested for offenses for which a mandatory felony hold is not required, for offenses in which a discretionary felony hold is not applied, and for all other situations which the intake screening specialist does not approve detention, may be ordered into court, issued a request to appear to a detective, given a Promise to Appear (DPD 28) to state court by a detective, or released on home detention by the intake screening specialist.

(8) ORDER-INS TO INVESTIGATIVE UNITS:

Order-ins may be processed by completing a Request to Appear (DPD 75), and one of the following:

- a. Having a parent/legal guardian respond to any police facility to take custody of the juvenile.
- b. Transporting the juvenile home if the parent/legal guardian is present but cannot respond to take custody the juvenile.
- c. If a parent/legal guardian cannot be contacted, refuses to accept the juvenile at home, or refuses to take custody the juvenile, the juvenile will be taken to a shelter designated by the Denver Department of Human Services Hotline (720-944-3000).

(9) ORDER-INS TO JUVENILE COURT:

A Juvenile Promise to Appear (DPD 28) will be prepared by detectives whenever a juvenile is arrested for probable cause or pursuant to a probable cause warrant and is:

- a. Taken to a shelter or release to a parent/guardian. The parent/guardian will be required to sign the Promise to Appear (DPD 28).
- b. The appearance date will be the first working day three (3) weeks from the date of service.

(10) RESISTANCE ARRESTS:

- a. Criteria:

Juveniles arrested for resisting arrest will be charged with CRS §18-8-103, Resisting Arrest (class two misdemeanor), when any of the following are committed by the juvenile during the resistance:

 - Any intentional behavior during the resistance that could cause injury to the officer(s).
 - Any use of a weapon by the juvenile during the course of the resistance.
 - Any attempt by the juvenile to gain control of the officer's firearm.
 - Damage to police vehicles and/or other police property.
 - Significant damage to any other private or public property.
 - Juveniles arrested for resisting arrest who do not commit any of the above will be cited with DRMC 38-32 on a Unified Summons & Complaint, as permitted in OMS 401.01(3), and will be ordered into Courtroom 4F or 160 with an appropriate court date.
 - b. Officers charging juveniles with CRS §18-8-103 must complete the necessary paperwork including a General Occurrence (GO) report, an arrest/booking slip with probable cause statement, and any required statements.
 - 1. The approving supervisor will ensure that the criteria for charging CRS §18-8-103 has been properly documented.
 - 2. See OMS 401.02(3) for mandatory hold procedures.
-

(11) VIOLATION OF LIQUOR CODE:

a. Processing:

When a juvenile is arrested for a violation of the Liquor Code (e.g., the use of false identification to obtain beer or liquor, an attempt to gain entry into an establishment prohibiting juvenile presence, or underage drinking, etc.), it is not necessary to process the person through the Juvenile Section unless identification cannot be established or other charges are pending.

1. Arresting officers will issue a Unified Summons & Complaint for violation of CRS §12-47-901, Unlawful acts.
2. Repeat offenders, if known, will be ordered-in to the Vice/Narcotics Section for 1130 hrs, Monday through Friday. The parent/guardian must accompany the juvenile and it is imperative that all reports reach the Vice/Narcotics Section prior to the order-in date/time.
3. If a juvenile is contacted drinking in a vehicle on a public way, a traffic citation may be issued for DRMC 54-127, Drinking Alcoholic Beverages Prohibited in Vehicles on a Public Way. An order-in to the Vice/Narcotics Section is not required.
4. All confiscated liquor and related evidence (i.e., false identification, etc.) will be placed in the Property Management Section.

(12) MASS ARRESTS:

In the event of a civil disorder or other incidents involving the arrest of a large number of juveniles, the procedures of order-in and holding in custody may not be applicable. The situation commander (or designee) will coordinate with the Chief Juvenile Probation Officer (or designee) and the regional manager of the Division of Youth Services (or designee) for arrestee disposition.

(13) GILLIAM YOUTH SERVICES CENTER – ADDITIONAL CHARGES:

- a. Officers who respond to the Gilliam Youth Center on an in-custody delinquent act will (if appropriate) complete a General Occurrence (GO) report, probable cause statement, and an arrest/booking slip. The reporting officer will notify Juvenile Section that the in-custody juvenile will need to be fingerprinted and photographed.
- b. Detectives wanting to add new charges to a juvenile who is currently in-custody at the Gilliam Youth Services Center will notify the Juvenile Section of the new charges and provide a General Occurrence (GO) report and/or number and a probable cause statement. An officer assigned to the Juvenile Section will complete an arrest/booking slip, respond to the youth center to fingerprint/photograph the juvenile and notify the Identification Section of the new record.

(14) SPECIAL NEEDS EXCEPTIONS:

a. Medical Issues and Intoxication:

Juveniles that require medical care beyond the scope of the detention facility's level of medical service, who are visibly intoxicated, or under the influence of a controlled substance, will be taken to a hospital. The fact that a juvenile may have ingested alcohol or marijuana in the past and it does not impair their ability to function will not require them to be transported to Denver Health Medical Center if the officer determines their health and safety are not at risk. They may be placed in secure detention after being medically evaluated by Denver Health Medical Center personnel if they fit the mandatory or discretionary felony detention criteria, or with the approval of the intake screening specialist for misdemeanors or other circumstances.

Per Gilliam Youth Services Center; if a juvenile is visibly high, drunk or has used "hard drugs" in the prior 24 hours he/she must be cleared through DHMC. Required medications for any life threatening illnesses such as diabetes, asthma or heart issues, must accompany the juvenile when arrested. If the medications have not accompanied the juvenile, he/she must go to DHMC to be cleared.

b. Mental Health Considerations:

Juveniles who present a danger to themselves or others as a result of a mental disturbance will be taken to Denver Health Medical Center Psychiatric Emergency Room on a Mental Health Hold.

1. The Missing and Exploited Persons Unit will be notified with a copy of the M-1 (emergency mental health hold).
2. Juveniles held on an M-1 cannot be placed on investigative holds. If a crime has been committed, advise the affected investigative unit or complete a Request to Appear (DPD 75) for the affected investigative unit.
- c. If a placement of a juvenile is made under the conditions of this section and the juvenile has been arrested for a felony or for a CRS misdemeanor, officers will complete a GO report titled, "Letter to Detective".

(15) RELEASE OF POLICE HOLDS:

- a. Release Prior to Detention Hearing:

Juveniles placed in the Gilliam Youth Services Center on police holds may be released from the hold prior to a detention hearing by the assigned investigative officer or supervisor only.

1. A Modification of Prisoner Hold form (DPD 43) will be used to cancel the hold.
2. A copy of the Modification of Prisoner Hold form (DPD 43) will be faxed to the intake screening specialist at Paramount Youth Services (720-302-2405). In the event of a fax failure at Paramount Youth Services, the investigative officer or supervisor will call the intake screening specialist and verbally cancel the hold at 720-913-8980. This call will be followed up with the mailing of a copy of the form to the intake screening specialist, located at Denver Juvenile Services Center (Juvenile Section), 303 W. Colfax Avenue.
3. The original copy of the Modification of Prisoner Hold form (DPD 43) will accompany the supplementary report and other investigative material to the Records Section.

- b. Releasing Holds While Placed in DHMC:

Juveniles placed in Denver Health Medical Center on police holds may be released from the hold by the assigned investigative officer or supervisor.

1. A Modification of Prisoner Hold form (DPD 43) will be used to cancel the hold, and must be faxed to the Denver Sheriff Department deputy assigned to Denver Health Medical Center at 303-602-1740. The investigative officer or supervisor will also call the Juvenile Section and make notification.
2. A copy of the Modification of Prisoner Hold form (DPD 43) must accompany the supplementary report and other investigative material to the Records Section.

401.03 RUNAWAY/PROTECTIVE CUSTODY

(1) LOCATING A MISSING OR RUNAWAY JUVENILE:

Detaining officers will verify the want through NCIC/CCIC prior to initiating any of the following procedures. *See OMS 308.11 for reporting requirements (new cases).*

- a. Runaways (Denver cases):

When officers locate a missing or runaway juvenile, they will complete a supplemental to the original report. The juvenile runaway will be:

1. Released to a parent or guardian at the scene of apprehension if the parent/guardian accepts custody.
2. Released to a responding parent/guardian at a police facility.

3. Taken home if phone contact with the parent/guardian establishes that the parent/guardian will accept custody but lacks transportation or is disabled.
 4. Transported by officers to the Juvenile Section. The Juvenile Section will be responsible for finding placement.
 5. Removed from NCIC after the responding officer has contacted the Juvenile Section.
- b. Runaways (outside jurisdiction cases):
- When a Denver police officer detains an out of Denver runaway from the metro area:
1. Custody may be transferred if a parent/legal guardian (or to a law enforcement officer from the initiating agency) is present at the scene of apprehension and is willing to take custody of the juvenile.
 2. If a parent/legal guardian (or a law enforcement officer from the initiating agency) is not present, the officer will notify Denver 911 and instruct them to contact the initiating agency for the purpose of transferring custody. Denver911 will attempt to identify a mutually agreed upon location with the initiating agency so that custody of the runaway can be transferred. Officers are not required to notify the parent/legal guardian.
 - If the initiating agency cannot respond within a reasonable amount of time, the runaway will be transported to the Juvenile Section for processing. As soon as the initiating agency is available and as staffing permits, Juvenile Section officers will transport the runaway to execute a transfer of custody.
 - If the initiating agency is unwilling or unable to take custody, the Juvenile Section will complete the necessary processing and place the runaway in a shelter designated by the Denver Department of Human Services. Placement in a shelter will be the last course of action for juveniles sought by law enforcement agencies that adjoin Denver. Juvenile Section officers will complete a General Occurrence (GO) report titled, "Letter to Detective," that will include full documentation concerning refusal by the adjoining law enforcement agency to meet Denver officers for transfer of the juvenile. The name of the person contacted, if known, will be included.
 3. Apprehended out-of-state runaways will be held in a staff secure detention facility. The juvenile must be processed by arresting officers who will verify the want by taking him/her to the Juvenile Section. The Juvenile Section will maintain a list of approved staff secure detention facilities.
- c. Runaways now eighteen (18) years of age or older:
- The individual will be handled as adult missing person. See OMS 308.11. NOTE: The Missing and Exploited Persons Unit (MEP Unit) on-call supervisor or detective should be contacted immediately if there is any evidence that the person is not exercising free will.
- d. Runaways from a Mental Health Facility:
1. Juveniles, who are certified as mentally ill, will be returned to the mental health facility if that facility is located in the City and County of Denver. Officers will contact the Juvenile Section for assistance if the facility is located outside of Denver.
 2. Juveniles who are not certified as mentally ill may be returned to the facility if that facility accepts custody and it is located in the City and County of Denver. Officers will contact the Juvenile Section for assistance if the facility is located outside of Denver, or if the facility will not accept the juvenile.
 3. If the juvenile runaway is also apprehended for the commission of an offense:
 - A juvenile who is certified mentally ill will be returned to the facility if it is located in the City and County of Denver. The necessary reports will be sent to the appropriate investigative division, section, or unit. The narrative of the General Occurrence (GO)
-

report will include a notation that the juvenile has been returned to the mental health facility and the name and phone number of a daytime contact person at the facility. Any deviation from this procedure will be by order of a juvenile court judge.

- A juvenile who is not certified as mentally ill will be processed in accordance with NORMAL arrest/custody procedures. Return of the juvenile to the mental health facility from which he/she was placed can take the place of release to parent or shelter dispositions if the facility is located in the City and County of Denver and agrees to accept return of the juvenile
- e. Runaways from the Department of Human Services Facilities:
Officers taking custody of a juvenile wanted as a runaway from a Department of Human Services facility will first clear the juvenile for warrants and then call the originating facility to determine placement (i.e., returning to the originating facility, transported to another facility or placed in Gilliam Youth Services Center).

(2) PROTECTIVE CUSTODY:

Children taken into protective custody will not be taken to the Juvenile Section or the Police Administration Building. These children will be taken to a shelter designated by the Denver Department of Human Services Hotline (720-944-3000) or to Denver Health Medical Center.

401.04 IDENTIFICATION AND RECORDS

(1) FINGERPRINTING AND PHOTOGRAPHING:

Any juvenile placed under arrest for a felony or misdemeanor charge will be fingerprinted and photographed by an officer assigned to the Juvenile Section.

- a. In the event an assigned investigating officer discovers that a juvenile's current photograph is inadequate for identification purposes, the investigating officer may request that the Juvenile Section retake a photograph of a detained juvenile.
- b. Whenever a juvenile is fingerprinted and photographed at the Gilliam Youth Services Center, an officer assigned to the Juvenile Section will respond to fingerprint and photograph the juvenile and will notify the Identification Section of the new record.

(2) DPD IDENTIFICATION NUMBER / ARREST RECORDS:

Any juvenile to be ordered-in on a COURT Promise to Appear (DPD 28) for a felony offense, gang-related offense, or weapons offense, must first be processed through the Juvenile Section to establish a DPD identification number or to add charges to an existing DPD record. It is important that juveniles are not to be served with a Juvenile Promise to Appear (DPD 28) until he/she is processed.

- a. A juvenile cannot be fingerprinted or photographed if he/she is not under arrest.
- b. If a juvenile is under investigation, but not under arrest, the juvenile must give permission for a photograph and fingerprints to be taken, or the investigating detective must obtain a Rule 41.1/C.R.J.P. Rule 3.4.
- c. If a juvenile is to be issued a Unified Summons & Complaint, that juvenile may be fingerprinted and photographed in the Juvenile Section prior to being served with the summons. It is imperative that a juvenile not be served with a summons until after he/she is processed. Once a juvenile is served a summons, he/she cannot be processed.

(3) IDENTIFICATION SECTION FILES:

Photographs and fingerprint cards will be maintained in Identification Section files, indexed by name and DPD identification number.

- a. Photographs of juveniles are available to law enforcement officers upon request.
- b. Photographs of juveniles are not available to the public.

401.05 INVESTIGATIVE ORDER-INS

(1) PROCEDURE:

Juveniles may be served with an order-in to an investigative unit on a Request to Appear (DPD 75) with the following provisions:

- a. The order-in will specify the time and location of the order-in, and will include the nature and location of the offense.
- b. The Request to Appear (DPD 75) will not be used to order in a juvenile to an investigative unit for an ordinance violation unless the ordinance violation is one which has been designated by the Denver District Attorney's Office to be filed in Denver District Court. See OMS 401.01(3)f. All other ordinance violations will be charged on the Unified Summons & Complaint.
- c. Each order-in completed by an officer must be accompanied by a General Occurrence (GO) report, or at minimum a GO report titled "Letter to Detective". The only exceptions are those cases in which an order-in has been requested by a detective.
- d. After the form is signed, the original will be given to the juvenile and the first copy to the parent/legal guardian. Copy three (3) will be left with or sent via inter-department mail to the responsible investigative division, section, or unit.
- e. If the juvenile is detained at a shelter, copies one and two of the complete Request to Appear (DPD 75) will be left at the shelter for completion of service. The third copy will be sent via inter-department mail to the responsible investigative bureau, section, or unit.
- f. It is imperative that the order-in and all other related documents reach the investigative division, section, or unit prior to the time of the order-in.

(2) ORDER-IN TIMES:

- a. District Level Crimes:
All crimes investigated at the district level will be ordered-in into the district of occurrence at 0900 hrs on the next calendar day unless otherwise directed by a district investigator or supervisor.
EXCEPTION: Officers will contact the on-call Graffiti Unit detective through Denver 911 and request an order-in date and time for graffiti related offenses.
 - b. Robbery (Business only) – Major Crimes Division:
The order-in will be made to the Robbery Unit at the Police Administration Building for 0900 hrs on the next calendar day unless otherwise directed by a Robbery Unit detective or supervisor.
NOTE: Street robberies are investigated at the district level.
 - c. Vice/Narcotics Section – Investigative Support Division:
All vice related offenses will be ordered-in to the Vice/Narcotics Section (room 310) at the Police Administration Building for 1800 hrs, Tuesday through Saturday, unless otherwise directed by the Vice/Narcotics detective or supervisor. NOTE: Drug related offenses are investigated at the district level.
 - d. Traffic Investigation Unit:
All traffic offenses will be ordered-in to the Traffic Investigation Unit (3381 Park Avenue West) for 0830 hrs on the next calendar day unless otherwise directed by a Traffic Investigation Unit detective or supervisor.
-

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



501.00 PERSONNEL – ADMINISTRATIVE

REVISED: 02/16/2018

PAGE: 1 OF 9

501.01 CHAIN OF COMMAND

(1) AUTHORITY OF SUPERVISORS AND COMMAND OFFICERS:

Department personnel will be required to take direct orders from, and be directly responsible to, one supervisory officer, except as otherwise provided herein.

- a. Orders related to departmental policy or procedure will emanate from the Chief of Police and will be directed to the level of execution through bureaus and then by succession of the several levels of rank in each division as they are applicable, in such a way that department personnel will receive such orders or directives from their immediate supervisor.
- b. Any such occurrence requiring departure from an order, or any part thereof, will be reported at once to the commanding officer on-duty next in the chain of command.
- c. Supervisory direction from outside an officer's regular chain of command is detailed in Duty and Responsibility 4.05.

(2) RANKING OFFICER AT CRIME SCENES AND OTHER INCIDENTS:

Ranking officers will:

- a. Return to service all personnel not needed at the scene.
- b. Assume command of the scene investigation and immediate area until relieved by higher authority or as determined by policy.
- c. Direct all uniformed and investigative personnel, including supervisors, so that their efforts and skills can be fully utilized. Investigative or specialized personnel may oversee the immediate crime scene or area as determined by policy.
- d. When appropriate and prior to his/her arrival, review progress of the investigation/response and ensure all phases are properly addressed and documented.
- e. In cases of homicide or other serious felonies, will cause the commanding officer of their assignment and the affected investigative division, section, or unit to be notified. See OMS 301.15.
- f. Determine if a crime scene is to be protected after completion of the original investigation, and make the necessary arrangement of uniformed personnel if needed.
- g. When appropriate and reasonable, the district commander will take charge of all such actions in their district, when available. Upon arrival of the district commander, he/she will be the incident commander unless relieved by higher authority, or this responsibility is delegated; however, the immediate scene or area may be under the command of a lower ranking officer as determined by policy.

(3) SUGGESTIONS FOR THE IMPROVEMENT OF SERVICE:

Department personnel who wish to make suggestions for the improvement of service may communicate in writing through official channels to the:

- a. Department personnel's supervisor / commander / director
- b. Planning, Research and Support Section (dpdplanning@denvergov.org)
- c. Chief of Police

(4) OPERATIONS MANUAL CORRECTIONS - MINOR:

Department personnel may notify the Planning, Research and Support Section of minor errors (e.g., spelling, punctuation, unit designations, etc.) at dpdplanning@denvergov.org. Requests for changes to

procedures or policy will be handled per section (3).

(5) REQUESTS, COMPLAINTS, SUGGESTIONS, IRREGULARITIES – CHANNELS:

All requests, complaints, suggestions, or reports of occurrences of irregularities regarding policies, procedures, or assignments of the police department will be directed through channels as follows:

- a. Department personnel will direct all requests, complaints, reports, or suggestions to their immediate supervisor in writing. A DPD 200 will be used for such communication unless prepared forms are provided, and may be submitted in person or by email to the appropriate person / entity.
 1. **EXCEPTIONS:** If the complaint is against the officer's immediate supervisor, the officer may direct the initial communication to the officer next higher in rank within the division.
 2. Any officer or employee of this department who feels threatened in any manner, or feels that the integrity of the department is in jeopardy, is authorized to report this situation directly to the Chief of Police or to the commanding officer of the Internal Affairs Division without reporting first to his/her supervisory officer.
 3. All department personnel receiving such communications from a subordinate will respond accordingly as soon as practical.
- b. Department personnel receiving a reply from their immediate supervisor in answer to such communication that is not satisfactory, may direct a communication to the officer next higher in rank in their division/district. Such communication will include a copy of the communication to their immediate supervisor and a copy of their reply. This process may be carried as far as the Office of the Executive Director of Safety so long as each succeeding level of command within the division/district has given a reply.
- c. Except as may be otherwise provided by Denver Civil Service regulations or department policy, such communications will not be directed to any office outside the Department of Safety without the written permission of the Chief of Police and the Executive Director of Safety.
- d. Department personnel will be free to seek advice and counsel or obtain the assistance of other officers in the classified service in their presentation of a complaint at any command level, as long as all involved parties in such complaint restrict their activity to the provisions of this chain of command procedure.
 1. In complaints reaching the level of division commander or higher without solution, complaining department personnel may be represented by duly authorized members of the Denver Police Protective Association or by private legal counsel.
 2. Any officer in the classified service who so assists another officer in the presentation of any complaint will not be penalized or prejudiced in any manner because of such presentation.

(6) TRAINING BULLETIN REQUESTS:

Requests for publication of training bulletins will be processed as follows:

- a. The requesting department personnel will submit the proposed training bulletin through the chain of command to the applicable deputy chief for review. The deputy chief will approve or deny the request, or direct that revisions be made prior to its publication.
 - b. Upon approval, the deputy chief will forward the training bulletin to the Planning, Research and Support Section for publication.
 - c. The Planning, Research and Support Section will review the training bulletin for spelling, grammar, formatting, etc., and make such revision as may be necessary. The training bulletin will then be published through PowerDMS for review and acknowledgement by designated personnel.
-

(7) PROPOSED LAW CHANGES AND LEGAL OPINIONS:

All matters related to proposed resolutions, new ordinance initiation or current ordinance amendment must be processed through the chain of command to the Executive Director of Safety's Office prior to being considered for the mayor-council or city council agenda. Additionally, requests for legal research, opinion or drafting of such matters will be forwarded to the Denver City Attorney's Office only after being processed through the chain of command and via the Executive Director of Safety's Office.

The Chief of Police may authorize designated personnel to confer with the Denver City Attorney's Office for legal opinions and policy/procedure development.

(8) LOBBYING:

Only the Chief of Police (or designee) may engage in lobbying reflecting the official position of the Denver Police Department at the city council or the state legislature. Any officer desiring to take part in the lobbying process will contact, in writing, the Deputy Chief of Administration through the chain of command. This will also include any testimony at either city council or the state legislature.

(9) REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS:

Representatives of employee organizations, when conducting organization business, are not restricted by the chain of command of their respective assignments.

501.02 ALLOTMENT AND ASSIGNMENT OF PERSONNEL

(1) RESPONSIBILITY:

District stations have the basic responsibility of providing efficient and complete patrol service twenty-four (24) hours a day, every day, as well as designated investigative functions. This must be a paramount consideration of commanders and is their basic responsibility that the public receive high quality and efficient service and protection.

- a. Days off, vacation, sick leave, and other absences (when possible) will be planned and calculated to operate with effective staffing levels. Emergencies and/or extenuating circumstances may impact staffing levels.
- b. Days off, vacation, sick leave, and other absences (when possible) will be planned and computed to efficiently operate under established staffing requirements. Emergencies and/or extenuating circumstances may impact staffing levels.
- c. When possible and appropriate, supervisors may accommodate scheduling requests for training and higher education.
- d. At all times, supervisory officers will be present during shift changes barring an emergency or if assigned to a call for service.

(2) SPOUSAL CONSIDERATIONS:

Officers who are married to each other will be allowed to work the same bureau, division, district, section, unit, or detail, but will not be allowed to work the same assignment as partners.

501.03 PUNCTUALITY

(1) ROLL CALL - UNIFORMED OPERATIONAL ASSIGNMENTS:

- a. Roll calls will be conducted in a professional manner. Commands and execution by the ranks should be in conformance with traditional police procedures.
 - b. Personnel inspections should be performed by a command or supervisory officer at least once per work period. All officers will be properly groomed, attired and equipped.
 - c. Command and supervisory officers will make daily assignments, read pertinent orders and information, and conduct or arrange for necessary roll call training.
-

- d. All information read or disseminated at roll call must have prior approval from a supervisor or command officer. The approving officer will make certain that the information is current, valid, and appropriate. The approving officer will then affix his/her initials, serial number, and date approved to the item before placing it on the roll call clipboard. After the item has been presented at roll calls for the appropriate duration, it will be placed in a chronological file at the assignment and retained for one year.

(2) PENALTIES:

- a. Whenever an officer is late, the on-duty supervisor of the officer involved will document the incident as a journal entry in his/her performance evaluation record and indicate whether the lateness is excused or unexcused. The supervisor will inform the officer of the journal entry at the earliest reasonable opportunity.
- b. All incidents of unexcused lateness will, at a minimum, be entered in an officer's performance evaluation. The first such incident of lateness will result in an oral admonition and counseling of the officer as to the potential minimum penalties for repeat violations. Minimum penalty assessments for subsequent sustained violations are as follows:
 - 1. 2nd unexcused violation: oral reprimand.
 - 2. 3rd unexcused violation: written reprimand.
 - 3. 4th unexcused violation: fine of eight (8) hours off.
 - 4. Subsequent unexcused violations will be dealt with more severely.
 - 5. The Chief of Police (or designee) may elect to treat an officer having six (6) unexcused violations within any twelve (12) consecutive months or nine (9) unexcused violations within any three (3) consecutive years as a chronic offender. Discipline of chronic offenders will be imposed separate and apart from the provisions of this policy and the penalty therefore may be based on an officer's entire attendance history.

501.04 DEPARTMENT MAIL

(1) POLICY:

Command officers (or designees) will ensure that mail will be delivered to the Records Unit (Police Administration Building – room 420) at the proper times:

- a. District Stations:
Mail will be delivered on all days at 0400 and 1800 hours.
- b. Traffic Operations:
Mail will be delivered on all days at 1500 and 2400 hours.
- c. All other assignments will ensure that mail is delivered and received in a timely manner.

501.05 ADDRESS AND TELEPHONE NUMBER

(1) REQUIREMENT:

All department personnel will have a phone available at his/her place of residence.

(2) ADDRESSES IN TELESTAFF:

Department personnel are not authorized to enter or update their address within TeleStaff. To ensure TeleStaff is accurate, department personnel will submit this information to the Safety Human Resources Division within 24-hours of changing their address. Addresses must be regular street addresses; post office box and route numbers are not acceptable

(3) PHONE NUMBERS IN TELESTAFF:

Within 24-hours of obtaining a new telephone number, officers will ensure that TeleStaff reflects the change.

a. Changing and/or Adding Telephone Numbers in TeleStaff

To ensure uniformity, all department personnel will follow the below protocol when making entries in TeleStaff:

1 st contact:	Work assignment desk number
2 nd contact:	Work assignment cellular number
3 rd contact:	Personal cellular number
4 th contact:	Home telephone number

- b. Officer lookup will only display the 1st and 2nd contacts. Personal phone numbers entered in the 3rd and 4th contacts will only be viewed in TeleStaff by approved personnel (the rank of sergeant or higher).
- c. All officers are required to have an off-duty contact phone number in case of emergencies. If an officer does not have a department assigned cell phone, the officer is required to provide at least one personal contact phone number.
- d. CS employees will follow the policy set by their commanding officer or director, and at a minimum, will enter their work assignment desk phone and work assignment cellular phone numbers.

(4) DRIVER LICENSE INFORMATION:

Officers' Colorado Driver License and Colorado Motor Vehicle Registration(s) will state the officer's current residential address or post office box in his/her municipality or county of residence. This is a Colorado Department of Motor Vehicle prerequisite, required by the Colorado Revised Statutes.

501.06 EMERGENCY INFORMATION FILE

(1) CONTACT INFORMATION REQUIREMENT:

Police officers and CS employees are responsible for ensuring that their emergency contact information is complete and accurate at all times and will notify the Safety Human Resource Management Division of changes within 72 hours. Upon notification, the Safety Human Resource Management Division will forward to the officer or CS employee the appropriate forms and instructions.

- a. Officers and CS employees will follow all instructions provided by the Safety Human Resource Management Division regarding form completion and DOT data entry.
- b. Officers will also receive instructions from the Safety Human Resource Management Division regarding notification of Colorado POST.
- c. The Safety Human Resources Management Division will complete data entry using the completed forms. This information will then be available for use by command and supervisory personnel.

501.07 CHANGES IN MARITAL OR FAMILY STATUS AFFECTING MEDICAL BENEFITS:

- (1)** Within thirty (30) days of any changes pertaining to marital or family status which would affect their medical benefits, it is the responsibility of each officer or CS employee to notify the Safety Human Resources Management Division.

501.08 INCURRING EXPENSES IN CONNECTION WITH OFFICIAL DUTIES

(1) POLICY:

Officers who necessarily incur expenses in connection with their official duties, and for which the department is responsible, will promptly submit to the commanding officer under whose immediate direction the expense was incurred, an itemized account of such expenditure together with all required receipt(s).

- a. No petty cash purchases will be made without first receiving authorization from the Police Department Financial Services Section. Requests for petty cash will be made in writing on the Request for Service or Supplies (DPD 201) and submitted to the Financial Services Section. A request must specify the item to be purchased, the cost, and justification (i.e., why the department should be responsible for the purchase). The responsibility for compliance rests with the commanding officer of the bureau, division, section, detail, or unit making the request for a petty cash purchase.

(2) LOSS, DAMAGE, AND/OR REPLACEMENT OF PERSONAL PROPERTY:

- a. In the event of loss or damage to personal property during an official police action, the officer will exhaust all legal means of replacing such personal property. The arrested party will be charged with Destruction of Private Property (DRMC 38-71). The Unified Summons and Complaint should indicate the damage and approximate replacement cost.
- b. Only under extreme circumstances, when every other legal recourse has been exhausted and when the officer can show that the cost of replacement will be more than the department equipment allowance for the current year, will an officer be reimbursed for loss or damage that has occurred to his/her personal property. The final decision for replacement of personal property will be made by the Financial Services Section in consultation with the Chief of Police (or designee).

501.09 PHYSICAL FITNESS

(1) GENERALLY:

In the interest of departmental efficiency and effectiveness, all officers are required to keep themselves in good physical condition. Because the department has no established physical fitness program, the following policies have been established to encourage physical activity.

(2) ATHLETIC TEAMS AND SPORTS PROGRAMS:

- a. Athletic teams and sports programs may be arranged. Department personnel are encouraged to participate; however, participation is strictly voluntary.
 1. As far as possible, officers will attempt to arrange their work schedule to participate in recreational activity during off-duty hours.
 2. At the discretion of his/her commanding officer, an officer may be relieved from duty to participate in an authorized program. Time used in this manner will be returned to the department on the same work day in TeleStaff.
 - b. Athletic teams performing under the name of the Denver Police Department must have the approval of the Chief of Police.
 1. Officers participating on an approved athletic team or other group of recreational activity under the name of the Denver Police Department will be considered on-duty and subject to the rulings and discipline of the Chief of Police or other officers delegated to act as coaches or managers.
 2. Officers participating on athletic teams or in other group recreational activity under the name of the Denver Police Department will always conduct themselves appropriately and in the interest of good sportsmanship to exemplify the best possible public relations.
-

3. Only athletic teams or other group recreational activity sponsored or authorized by the City and County of Denver, the police department, and employee organizations will be considered for approval by the Chief of Police.

(3) ON-DUTY EXERCISE:

The purpose of this policy is to provide guidelines for officers electing to voluntarily exercise on their mealtime (long 7). The Denver Police Department believes in helping officers achieve and maintain a healthy physical condition and thus will allow officers to voluntarily exercise during their mealtime. The benefits of maintaining a consistent exercise routine include:

- Reduced likelihood of physical, mental, and emotional ailments common to law enforcement officers such as, but not limited to; obesity, diabetes, high cholesterol, hypertension, anxiety, depression, and stroke.
- Increased resistance to injury or illnesses, and quicker recovery and healing in times of adversity, stress, and trauma to the mind and body.
- Protection against common neck, back, shoulder and knee injuries, as well as muscle pulls and tear injuries observed in police officers due to their profession.
- Stronger resiliency and ability to manage daily life stressors which, if not integrated properly may cause illness, injury, high absenteeism, citizen complaints, fatigue related issues, eating disorders, lack of critical thinking skills, burnout, and loss of engagement with work.
- Proven positive outlet for stress reduction.

Participation Requirements:

- a. Participation in on-duty mealtime exercise is encouraged but not mandatory.
 - b. Officers must weigh the benefits of engaging in an exercise routine against the risk of injury associated with any physical fitness program. On-duty mealtime exercise is elective and any injury incurred because of engaging in an on-duty mealtime exercise will not be covered by The City and County of Denver, including any Workers' Compensation Claims.
 - c. Officers engaging in on-duty mealtime exercise must sign a one-time liability Hold Harmless Waiver (available on DPDWeb under Wellness) indemnifying the Denver Police Department from any liability. Waivers must be signed and placed in officers' personnel file at their respective work assignments prior to any on-duty exercise.
 - d. All on-duty mealtime exercise must be performed in a police department facility. Officers are not permitted to utilize a commercial or home gym while exercising during their mealtime.
 - e. Officers may engage in on-duty mealtime exercise with consideration to the needs of the department as it pertains to call load, staffing, the availability of cover, and timely response. Similar to the policy that pertains to meal breaks; the ability to exercise on-duty is a privilege and not a right and is subject to the approval of a dispatcher or supervisory officer.
 - f. Officers who elect to exercise during their mealtime are expected to be available to respond to any emergency (i.e., in full uniform, if required or plainclothes, if applicable) within three (3) minutes.
 - g. Officers must be in possession of their department issued radio while performing their exercise routine and will monitor their respective radio traffic to remain aware of call load volume and the potential need to respond to emergencies.
 - h. Officers injured while participating in on-duty exercise will report their injuries consistent with the department's current and existing policy and procedures pertaining to non-line of duty related injuries. Officers placed on Limited Duty status due to injuries received while participating in on-duty exercise are prohibited from participating in further on-duty exercise until released to full duty status, unless prescribed in writing by their personal physician and/or physical therapist.
-

501.10 DETECTIVE, CORPORAL, AND TECHNICIAN SELECTION

(1) REQUIREMENTS:

The positions of detective, corporal and technician are appointed. These appointments are made at the direction of the Chief of Police and will continue only so long as he/she deems them necessary to department operations. NOTE: Selection for detective-positions in the Executive Security Unit and the Internal Affairs Division are exempt from this selection procedure.

a. Minimum eligibility requirements:

1. Applicants must be the rank of a police officer 1st grade and below the rank of sergeant.
2. Lateral hires must be a Police Officer 1st Grade and have 36 months of continuous service from their date of graduation from the police academy.

b. Discipline History Assessment:

Applicants will be ineligible for an appointed position based on the same criteria used in the most recent Civil Service sergeant promotional process. Automatic disqualifiers can be accessed at www.denvergov.org/civilservice/

c. Additional requirements may apply.

(2) VACANCY ANNOUNCEMENT:

When filling a vacancy, the commanding officer of the affected division/district (or designee) will announce the vacancy and application requirements in the Daily Bulletin for at least two weeks prior to the application deadline. The commanding officer (or designee) will cause the vacancy announcement to be posted in a prominent area, if one is available, within the confines of the division/district. If the announcement is to initiate the process to compile a roster of eligible candidates for future appointment, it should include that information. Division/district commanders will incorporate candidate interviews as part of the selection process.

(3) CANDIDATE APPLICATION PACKET:

Minimum requirements:

- a. Cover letter (one page maximum) and personal résumé (two-page maximum).
- b. Sustained complaint report of the prior five (5) years, obtained from Internal Affairs Division.
- c. Supervisor's situational records and/or performance evaluation reports for the prior three years.

(4) OFFICIAL NOTIFICATION:

At the completion of the interview process, candidates will be notified of the results by the commanding officer of the division/district (or designee). Results will stipulate whether the candidate was acceptable or not acceptable for the position, and whether the candidate will be placed on an eligibility roster.

- a. If the interview process was to compile a roster of eligible candidates for future appointment, it will be posted with candidates listed alphabetically. The eligibility roster must include an expiration date (one year minimum).
- b. Commanders may extend an eligibility roster, with approval of their deputy chief, for a maximum of two years from the completion date of the original interviews.

(6) SELECTION STANDARDS:

Commanders of the Major Crimes Division, Investigative Support Division, Special Operations Division and districts, may establish selection standards for detective training and final appointment within their assignment.

(7) TENURE:

Officers in appointed positions may remain in their assignment so long as their performance and conduct is satisfactory to the Chief of Police.

501.11 SERGEANT ASSIGNMENT SELECTION PROCESS

(1) DIVISION / DISTRICT VACANCIES:

Sergeant vacancies within the following divisions and districts will be announced and posted for a minimum of two weeks in the Daily Bulletin:

- a. Administration Management
- b. District Investigations
- c. Investigative Support
- d. Major Crimes
- e. Operations Support
- f. Special Operations
- g. Specialized Airport Police positions (K-9, investigations, etc.)
- h. Training

(2) BULLETIN ANNOUNCEMENT:

The bulletin announcement will contain the following information:

- a. Requests for letters of interest.
- b. Name of the commander (or designee) to address and forward letters of interest.
- c. Deadline date to submit letters of interest and other required documents.
- d. Additional requirements, if any, specific to the assignment.
- e. The commander (or designee) will initiate contact with the sergeant(s) if further information is required.

(3) DISTRICT PATROL SERGEANTS:

Sergeants requesting assignment to a district station will submit a Request for Transfer of Assignment (DPD 49) through the appropriate chain of command.

(4) EXECUTIVE SECURITY UNIT, INTERNAL AFFAIRS DIVISION, CONDUCT REVIEW DIVISION:

Selection for sergeant vacancies in the Executive Security Unit, the Internal Affairs Division, and the Conduct Review Division are exempt from this procedure.

502.00 - GENERAL DUTIES**502.01 DELETED****502.02 Attendance Record - Use of**

- (1) All Attendance Record entries are to be made in black ink.
- (2) All entries other than "Day Worked," "Regular Day Off," "Compensatory Day Off," "Sick," "Vacation," "Accumulated Sick Leave," or "AWOL," must be explained at the bottom of the time book page. For example: Excused days will be marked with an "E," and the appropriate explanation made at the bottom of the page.
- (3) Any questionable re-occurrence of off-duty injury will be carried as "Sick" unless proper authorization has been received from the Pension and Relief Board.
- (4) When time off is carried as "Sick" and later approved by the Pension and Relief Board as Line-of-Duty Injury, the Human Resource Management Bureau will see that the applicant's record will reflect such adjustment.
- (5) At the end of each period, but not later than the seventh (7th) day of the following period, the highest-ranking officer of each bureau or unit will verify the authenticity of the Attendance Record by signing the document. The signed sheet will then be forwarded to the Human Resource Management Bureau.
- (6) Attendance Records must clearly indicate any ten-hour (10) day work schedule.
- (7) An officer on limited or light duty, whose work schedule is less than eight (8) hours per day due to medical restrictions, shall be entered in the Attendance Record as "Day Worked" for each day that the officer reports for duty. A notation will be made at the bottom of the Attendance Record indicating the number of hours in the officer's work schedule; Example: Smith - working 4 hours per day, 8/11 - 8/31. An Absence Report, DPD 148, will be completed at the end of each work period indicating the amount of sick leave to be charged to the officer's sick bank. In the case of officers working partial days due to a non-line of duty injury, compensatory/saved time may be used in lieu of sick time in accordance with OMS 505.07(8).

502.03 DELETED**502.04 DELETED****502.05 DELETED****502.06 DELETED****502.07 DELETED****502.08 DELETED**

**503.01 COMPLAINT AND DISCIPLINE PROCEDURES FOR SWORN OFFICERS****(1) POLICY:**

The policy of the Denver Police department in creating a complaint and discipline process is to establish a set of accountability standards that address how complaints of officer misconduct are made, filtered, processed and evaluated at all levels. These standards are driven by the mission, vision and value statements of the department, and find as their chief cornerstones the Law Enforcement Code of Ethics and the rules and regulations of the department. These documents set the foundation for accountability of the department and its members to citizens whom it serves, to the greater law enforcement community of which it is a member and to the Constitution of the United States, which the department has sworn to uphold.

The department recognizes the vital importance of the internal investigation process and that no system of discipline can be effective without investigations that can be considered by members of the department and the general public as unbiased and trustworthy. The department is committed to investigating all allegations of officer misconduct in a fair, thorough and timely manner in accordance with accepted department policies and procedures. Such investigations must be conducted with full regard for the Officer's Bill of Rights and all other rights and respect due to fellow officers. Likewise, they must be conducted with regard for the rights and respect due to non-sworn members of the department, all complainants and witnesses and all other citizens. The administration of the discipline process will not discriminate against anyone on the actual or perceived basis of race, color, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other basis protected by Federal, State, or local law or regulation. The department further believes that truthfulness is vital in an internal investigation and is expected and demanded from all department personnel who may be the subject of or a witness in an investigation.

Lastly, the department understands that timeliness in the investigation of misconduct allegations, and when warranted the imposition of discipline, are critical components of the complaint and discipline process. Unnecessary delays may be unfair to the involved officers, community members alleging or harmed by officer misconduct and the department as a whole, and will be avoided to the extent possible. However, issues related to timeliness are not considered mitigating factors, or grounds to decline the imposition of discipline.

This policy applies only to members of the classified service of the Denver Police Department.

(2) GUIDELINES AND DEFINITIONS:

Subject Officer: The officer under investigation for possible misconduct.

Complaint: An allegation of misconduct.

Service Complaint: A citizen complaint that pertains generally to services or policies of the department but which is not an allegation of misconduct against an employee.

Misconduct: A violation of a law, policy, procedure, or rule and regulation. There are several classifications of misconduct:

- **Minor Misconduct:** Potential violations of policy or procedure that have minimal adverse impact on the operation or integrity of the department and that are not likely to result in a formal disciplinary action against a named employee.
 - **Pattern Misconduct:** A pattern of potential misconduct by an officer or group of officers that includes, but is not limited to, allegations or complaints over time that indicate conduct of more
-

concern than that created by infrequent or isolated incidents of citizen complaints or unacceptable conduct.

- **General Misconduct:** All potential violations that do not fall into the categories of minor, serious, or pattern misconduct are considered general misconduct. Examples of general misconduct include but are not limited to: violation of a policy that requires a fixed penalty such as failure to attend court, failure to attend scheduled training, or failure to complete firearms qualification.
- **Serious Misconduct (including Conduct Prohibited by Law):** Potential violations of policies, procedures, rules, or regulations that have an adverse impact on the operation or integrity of the department and that, if proven, would likely result in formal disciplinary action against a named employee. Investigations involving allegations of serious misconduct or law violations will be conducted by the Internal Affairs Division. Examples of serious misconduct include but are not limited to: commission of a deceptive act, sexual misconduct, inappropriate force, harassment, discrimination, and conduct prohibited by law.

Complaint Intake: The initial fact finding stage of an investigation in which a sergeant or above determines whether or not the complaint, if true, would constitute misconduct, or if the issue amounts to a service complaint.

Denver Police Department Discipline Handbook: Conduct Principles and Disciplinary Guidelines:

The official guide adopted by the Executive Director of Safety and Chief of Police to be utilized by all persons responsible for making disciplinary recommendations and determinations. The *Discipline Handbook* sets forth the procedures for determining whether officers have violated DPD rules or policies and, if so, guidelines for making penalty recommendations and determinations.

Discipline Matrix: The official guide adopted by the Executive Director of Safety and Chief of Police establishing penalty ranges and limits for misconduct to be utilized when making penalty recommendations and determinations.

Dismissal: The Chief of Police (or designee) may elect not to investigate and thereby dismiss certain complaints. The grounds for dismissal of complaints are outlined in OMS 503.01(5).

Formal Investigation: All allegations of misconduct that are not classified as minor misconduct, service complaints, or dismissals will be formally investigated. An Internal Affairs Division complaint number will be issued for each formal investigation and an official disposition will be handled by the Internal Affairs Division, with the exception of scheduled discipline, which will be conducted by the subject officer's chain of command. Nothing will prevent division or district level supervisory or command officers from conducting an initial investigation prior to forwarding the issue to the Internal Affairs Division for a full investigation per procedures outlined in OMS 503.01.

Informal Investigation: Informal investigations are conducted when there is a complaint of minor misconduct. If applicable, the investigation should include debriefing the subject officer regarding a complainant's concerns about the officer's actions or quality of service. The informal investigation is an expedited process that does not result in a formal finding or the imposition of discipline.

Investigative Review Process (IRP): The Investigative Review Process (IRP) is a review process consisting of two (2) phases. Phase I consists of a review by the subject officer (and his or her representative) of the Internal Affairs Division (IAD) investigative reports. Phase II consists of a meeting between the subject officer, his or her representative, the investigating officer, and the IAD commander with the intent of reaching an agreement as to the material facts of the case.

Deliberative Process: The Office of the Independent Monitor, the Citizen Oversight Board, and the officers and citizens who serve on the department's internal review boards such as, Use of Force Review Board, and Tactics Review Board are all part of the city's deliberative process regarding investigative and disciplinary procedures for sworn personnel. As such, all information learned by any of those persons or groups during the exercise of their duties will be protected by the deliberative process privilege.

Scheduled Discipline: Those rules, regulations, and policies for which violations carry penalties that are defined by a table or schedule. A complete listing of these policies can be found in Appendix F of the Discipline Handbook.

(3) ROLES AND RESPONSIBILITIES:

- a. Individual Officer Responsibility:
 1. All officers of the department will report possible misconduct by other officers to a supervisor, command officer, or the IAD regardless of whether the reporting officer has firsthand knowledge of, or has otherwise learned of, the alleged misconduct. If the possible misconduct involves the officer's supervisor or command officer, the reporting officer may report the possible misconduct directly to the IAD, the Office of the Independent Monitor (OIM) or the Chief of Police.
 2. When any member of the Denver Police department (on or off-duty) is involved in an incident occurring within the City and County of Denver, that requires, or may require police attention, the investigating officer or the involved officer will immediately notify a Denver Police department supervisor, command officer, or IAD. For incidents occurring outside the City and County of Denver, the involved officer may request that the investigating officer make the notification; however, the ultimate responsibility for notification lies with the involved officer.
 - b. Mandatory notification requirements apply to the following circumstances:
 1. An off-duty officer exercises police authority that results in an arrest and/or use of force.
 2. **On-duty motor vehicle accidents in the City and County of Denver:**

A supervisor or command officer will be notified immediately when an employee is involved in a traffic accident while on duty, whether or not there is property damage or injury. If the accident occurs within the City and County of Denver, a supervisory or command officer will respond to the scene and determine the appropriate course of action.
 3. **On-duty motor vehicle accidents outside the City and County of Denver:**

A supervisor or command officer will be notified and will make a determination as to whether their response or that of the Internal Affairs Division is required based on the criteria outlined in OMS 503.01(4).
 4. **Off-duty motor vehicle accidents in the City and County of Denver:**

When an off duty Denver police officer, driving his/her private vehicle is involved in a traffic accident occurring within the city limits, and at least one of the criteria in OMS 203.02(1) is present, the officer will notify Denver 911 and request that an on-duty officer be sent to the scene to investigate the accident. The investigating officer will also notify a supervisor who will respond to the scene and ensure a thorough investigation. If appropriate, charges will be placed against one or more involved drivers.
 5. Any sworn personnel who becomes aware that he or she is under investigation, or charged with any crime.
 6. An officer is the victim of a crime (crimes against persons' statute or ordinance) and police are notified, or reasonably should have been notified.
 7. An officer is arrested, charged, or convicted of a criminal offense.
 8. An officer is charged with a traffic offense of eight (8) or more points.
 9. An officer's driving privileges are suspended or revoked.
 10. An officer is served with a restraining/protection order issued as a result of alleged domestic violence or criminal activity.
-

11. Any incident that has the potential for police involvement, or could have a pronounced negative impact on the professional image of the department, and the officer is directly involved.
 - c. Officers will cooperate in a department investigation and will answer questions by, or render material and relevant statements to, the appropriate supervisor, command officer, or IAD investigating officer. Officers will answer all questions fully and truthfully and will not omit any material facts.
 - d. For the duration of the complaint process, including the complaint intake, formal investigation, and IRP, the subject officer and his or her representative are prohibited from contacting and/or interviewing any witnesses or conducting any type of investigation into the allegations. The only officers authorized to interview witnesses or the subject officer, or to conduct any further investigation of a case on behalf of the department or its members are those investigating officers designated by the Commander of IAD or the Chief of Police.
 - e. A subject officer will not be armed during a pre-disciplinary meeting (Chief's Hearing) with the Chief of Police (or designee).
 - f. General Supervisor and Command Officer Responsibilities:
 1. A supervisor or command officer must assume the duties and obligations of his or her rank in the investigation of misconduct by police personnel.
 2. A supervisor or command officer will continually examine areas of the police operation under his or her purview.
 3. A supervisor or command officer will not look to higher authority to initiate investigations when the actions in question are within his or her own authority.
 4. The Internal Affairs Division may be requested when the complexity of the case justifies such assistance.
 5. A supervisor or command officer of a bureau, division or district will resolve minor procedural violations in accordance with this policy. If the supervisor/command officer determines that training, oral admonishment, counseling, etc. is an appropriate action involving an employee, the command officer will be responsible for ensuring that the training, oral admonishment, counseling, etc. is accomplished and documented.
 6. A supervisor or command officer of a bureau, division or district will conduct an investigation in accordance with this policy.
 7. A supervisor or command officer of a bureau, division or district will immediately report to IAD all allegations of serious misconduct, including conduct prohibited by law.
 8. A supervisor or command officer of a bureau, division or district will, in a timely manner, notify the IAD regarding allegations of general misconduct or pattern misconduct that is not serious in nature and does not constitute conduct prohibited by law.
 9. Supervisors and command officers will obtain the assistance of IAD or a superior officer when assistance is needed with the complaint process or while conducting a complaint intake or investigation.
 10. If a supervisor or command officer observes or learns of possible misconduct by an officer not under his or her supervision, the supervisor or command officer will notify the supervisor or command officer of the subject officer. (See OMS Duties and Responsibilities section regarding responsibilities of all supervisory officers [including command officers] with respect to discipline and conduct of officers.)
 11. Any command officer (or supervisor, with the approval of a higher ranking officer) may relieve an officer of duty when the charges are of a serious nature and it appears that such action would be in the best interest of the department or the officer. Officers will surrender their badges and identification cards when relieved of duty.
-

12. Whenever it becomes necessary to place a Denver police officer in any detention facility, the ranking supervisor or command officer handling the case will immediately relieve the officer of duty and retain all department property in the officer's possession. Requests to hold or obtain the subject officer's police uniform will be made to the proper authority in the detention facility. The ranking supervisor or command officer will immediately notify the IAD of the subject officer's detention or incarceration.
 13. The IAD commander, the Chief of Police or the Executive Director of Safety will report all allegations of serious misconduct, including conduct prohibited by law to the Office of the Independent Monitor within three business days of becoming aware of the allegations.
- g. Investigating Supervisor and Command Officer Responsibility:
1. The bureau deputy chief, or division or district commander will review the matter to determine whether the investigation should be conducted at the bureau, division or district level or forwarded to the IAD. The bureau deputy chief, or division or district commander is responsible for ensuring that all original reports, forms, related documentation, and materials collected during the intake process are sent to the IAD along with a request for a formal investigation.
 2. When alleged misconduct is classified as serious misconduct, including conduct prohibited by law, the supervisor or command officer will immediately contact the IAD, which will coordinate the intake for such allegations. The commanding officer of a subject officer will ensure that complaints are processed as required by this policy.
 3. The bureau deputy chief or commander of the division or district will be responsible for monitoring the performance and conduct of employees under his or her command and, if any conduct indicates an emerging pattern of unacceptable behavior, the bureau deputy chief or commander will initiate actions to correct the behavior, including advising the involved employees that any further allegation of a pattern of unacceptable behavior may be handled as a formal investigation.
- h. Internal Affairs Division (IAD) Authority and Responsibilities:
1. Officers of the IAD act directly pursuant to the command and with the authority of the Chief of Police. They have the authority to require any officer of the department, regardless of rank or appointment, to make a full and complete disclosure pertaining to the commission of, or omission of, any act which might be in conflict with that officer's, or any other officer's departmental duties and obligations. The IAD commander may, at his/her discretion, investigate any complaint lodged against any other officer of the department, regardless of rank or appointment.
 2. Upon receipt of information from an officer or supervisor regarding an allegation of serious or pattern misconduct, the IAD will immediately begin a formal investigation into the allegations.
 3. The IAD will have the full authority to conduct an investigation without interference from any officer.
 4. The primary duty of the IAD will be to ensure the integrity of the department. The IAD will direct its efforts toward conducting an efficient, impartial, prompt, and complete investigation of allegations of misconduct by officers of the department.
 5. The IAD will maintain files of disciplinary investigations pursuant to the applicable document retention schedule of the department and the city. The files will contain all complaints, final dispositions, supporting documents, and other investigative material pertaining to disciplinary cases.
- i. Monitor's Role in IAD Investigations.
-

The Office of the Independent Monitor will actively monitor and participate in any criminal investigation of the incidents set forth. In addition, IAD will investigate any incident set forth below and the monitor's office will actively monitor and participate in such IAD investigations:

1. Any shooting involving a Denver police officer, whether duty related or not;
 2. Any in custody death;
 3. Any duty related incident during which, or as a result of which, anyone dies or suffers serious bodily injury as that term is defined in CRS §18.1.901(3)(p), as it may be amended from time to time;
 4. Any incident whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a felony;
 5. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged with, any crime set forth in CRS Title 18, Article 3 (offenses against the person, which includes homicide, assault, kidnapping, and unlawful sexual behavior) as they may be amended from time to time; or
 6. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a misdemeanor or local law violation in which a use of force (defined as assaulting, beating, striking, fighting, or inflicting violence on a person) or threatened use of force is an element of the offense.
 7. If no criminal charges are filed subsequent to an investigation or such criminal charges are dismissed, the monitor's office will nevertheless have the discretion to monitor any internal investigation arising from the subject incident.
 8. In addition, the monitor's office will monitor any other internal investigation of possible misconduct by Denver police personnel when requested to do so by the Citizen Oversight Board or Executive Director of Safety. The board or executive director will advise the monitor's office of the reasons why the board or the executive-director believes the monitor's office should monitor the investigation. Within three (3) business days of determining to monitor an investigation or of receiving the request from the board or the executive director, the monitor's office will advise IAD only that the monitor's office will monitor the investigation.
 9. The Monitor and/or his designee may attend all Internal Affairs officer and civilian interviews. The Monitor may suggest questions for the IAD interviewers to ask of the witnesses, but the IAD interviewer retains the discretion to determine the subject matter and form of the questions to be asked.
 10. The monitor will have access to all evidentiary items and stages of the administrative investigation. Where the investigation involves potential criminal charges, the Denver District Attorney's Office may restrict or place conditions on access that he or she believes would jeopardize the integrity of the investigation or adversely impact any potential criminal prosecution. The monitor will also have complete access to all department documents and electronic files relating to any complaints against, or investigations of, sworn personnel within the monitor's jurisdiction and personnel files, including work history and officer statements but not including documents protected by the attorney client privilege or the attorney work product privilege.
 11. During the course of the investigation, the monitor may discuss the investigation with IAD including recommending additional investigation.
 12. For any investigation that it monitors, the monitor will review the investigation to ensure that it is thorough and complete. If the monitor cannot certify that the investigation is thorough and complete, the monitor may request that IAD conduct additional investigation. If IAD does not complete the additional investigation to the monitor's
-

satisfaction, the monitor may conduct additional investigation, including issuing subpoenas.

13. The monitor will advise the Citizen Oversight Board, Executive Director of Safety, and Chief of Police of the reasons that the monitor was not satisfied with IAD's investigation and of the additional investigation conducted by, or to be conducted by the monitor. The IAD will not forward the investigation until the monitor has completed its supplemental investigation, if any, and then the IAD will forward its investigation together with the monitor's supplemental investigation to the appropriate person(s).
14. The monitor will treat all documents and information regarding specific investigations or officers as confidential and will divulge such information on a need to know basis or unless otherwise disclosed by the City and County of Denver.

(4) COMPLAINT INTAKE PROCEDURES

a. Processing Allegations:

1. Allegations by citizens: Any officer who is contacted by a citizen wishing to complain about possible misconduct by an officer will immediately put the citizen in contact with an on duty supervisor. The supervisor will attempt to make contact with the complainant immediately, but in no case later than the end of his or her shift.
The supervisor will complete a Commendation/Complaint Intake Form as prescribed in this policy.
2. Allegations by officers: Any officer who has observed or otherwise learned of possible misconduct committed by another officer will report the same directly to a supervisor in the reporting officer's or subject officer's chain of command or to the IAD. Any officer who initiates an allegation will prepare an Inter Department Correspondence (DPD 200), outlining the allegations and/or other reports as directed by a supervisor. The reporting officer will not communicate his or her allegation to any other agency, officer, or individual without proper authorization in compliance with all OMS governing the same.
3. Allegations by government officials: Allegations of misconduct made by government officials (including, but not limited to, law enforcement agencies, judges and prosecutors) will be handled by the IAD. The IAD will review the allegation and determine whether the case will be handled at the bureau, division or district level or by the IAD.
4. Allegations by filing of law suits or tort claims: Allegations of misconduct made in the form of tort claims or law suits will be reviewed by the Office of the Independent Monitor and IAD to determine whether an IAD investigation would be warranted.
5. Complaints against the Chief of Police: If the Chief of Police has engaged in possible misconduct, the IAD will forward a copy of the allegation to the Executive Director of Safety for his or her direction. The Executive Director of Safety (or designee) will confer with the Independent Monitor (and may retain an independent investigator from outside the department) in such circumstances.

b. Complaint Screening:

The supervisor or command officer receiving the complaint will make an initial determination whether the complaint describes possible misconduct, the issue amounts to a service complaint, or the complaint is eligible for mediation and/or dismissal based on the criteria set forth below.

1. If the supervisor concludes that the complaint should be handled as a service complaint or describes possible misconduct, the complaint will be documented on the Commendation/Complaint Intake Form (DPD 687), and forwarded to Internal Affairs. Regardless of who will eventually handle the investigation or complaint resolution, the supervisor or command officer conducting the complaint intake will collect any evidence necessary to ensure that there can be a complete determination of facts in the case.
-

2. If the supervisor concludes that the complaint does not state a violation of a law, policy, procedure, rule and regulation, the supervisor may resolve the issue by explaining the law, policies, procedure, rules and regulations to the complainant and indicating that no further investigation will take place. If the complainant is not satisfied with the explanation provided, the supervisor will refer the complainant to the Internal Affairs Division or the Office of the Independent Monitor.
3. If the supervisor believes the complaint is eligible for mediation and/or dismissal, the responsible supervisor will be required to initiate and complete, as much as possible, and per policy, the investigation of the complaint regardless of any possible future mediation option. The complaint information will then be forwarded to the Internal Affairs Division for a final determination.

(5) A COMPLAINT MAY BE DISMISSED FOR THE FOLLOWING REASONS:

a. Mediation:

Mediation is a voluntary process involving numerous stakeholders, including community members, police officers, police administration and the Independent Monitor. There is no right to mediation. Even if a complaint is eligible for mediation, any stakeholder may decline to allow it to be resolved through the mediation process for any reason.

1. No stakeholder will be required to state the reason for declining to participate in mediation or agreeing to assign a case for mediation. Statements made during mediation are considered confidential and cannot be used against either party in any future criminal or civil matter.
2. Furthermore, the decision to mediate a matter or not to mediate a matter cannot be considered during disciplinary proceedings in comparing the discipline issued in previous matters to that issued in a pending matter (i.e., cannot be used for purposes of considering "consistent discipline"). A complaint will be dismissed upon the completion of a mediation session administered by the Monitor's Office.
3. A complaint may be considered for mediation if it resulted from a failure to communicate or a lack of communication such that the allegation would be resolved better through mediation than through the formal disciplinary process and if it meets any other requirements set forth below. A complaint which, if proven, could constitute a violation of RR-138, Discrimination, Harassment, and Retaliation, may be eligible for mediation only in accordance with **the provisions of the department of Safety EEO Investigation Procedures.**

4. Complaints ineligible for mediation:

Any allegation of misconduct that falls into one of the following conduct categories as presented in the Discipline Handbook or the listed descriptions is ineligible for mediation:

- Category E: Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety or to the professionalism of the department.
 - Category F: Any violation of law, rule or policy which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of department values; or involves any act which demonstrates a serious lack of the integrity, ethics or character related to an officer's fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.
-

- Any allegation of misconduct which, if proven, could constitute a violation of any rule that the Denver Civil Service Commission has designated as making an applicant ineligible to take a promotional examination for, or to be promoted to, the ranks of sergeant, lieutenant, or captain is ineligible for mediation.
 - 5. Any allegation of misconduct that falls into the following conduct category, as presented in the Discipline Handbook, is eligible for mediation only if the **Executive Director of Safety, the Chief of Police, and the Independent Monitor** all agree that mediation is appropriate.
 - Category D: Conduct substantially contrary to the values of the department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.
 - 6. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is eligible for mediation only if the **Internal Affairs Division and the Independent Monitor** agree that mediation is appropriate.
 - Category A: Conduct that has a minimal negative impact on the operations or professional image of the department.
 - Category B: Conduct that has more than a minimal negative impact on the operations or professional image of the department; or that negatively impacts relationships with other officers, agencies or the public.
 - Category C: Conduct that has a pronounced negative impact on the operations or professional image of the department, or on relationships with other officers, agencies or the public.
 - 7. Final authority on mediation eligibility:

Even if a complaint is eligible for mediation, the Executive Director of Safety (or designee), the Chief of Police (or designee), or the Monitor (or designee) has the authority to decide for any reason that a case should not be assigned for mediation.
 - b. Mediation Procedures:

If the complainant expresses an interest in mediating the complaint, that fact will be documented on the Commendation/Complaint Intake Form which will be forwarded to Internal Affairs for further review. Both the IAD commander and the monitor must agree that a complaint is appropriate for mediation for it to be assigned to the mediation program.

 1. The complainant will be advised that the complaint is eligible for mediation, and a determination will be made whether the complainant is still interested in mediation.
 2. If a complaint has been approved for mediation, a notice will be sent in writing by the Office of Independent Monitor to the involved officer(s), with a copy to their commanding officer, which will include:
 - The complaint number
 - The name of the complainant(s)
 - The nature of the allegations
 - An explanation of the mediation program
 - An advisement to the officer(s) of the IAD and Monitor's conclusion that the case is appropriate for mediation
 - A request from the Monitor that the involved officer(s) contact the Monitor's office within the next five (5) working days of receipt of the notice
 - An explanation that participation in the mediation program is voluntary and that upon completion of the mediation, the complaint will be dismissed. A failure to respond to
-

the request will be construed to mean the officer has declined the opportunity to mediate the complaint.

3. The involved officer's supervisors will ensure that the IAD mediation notice is delivered to the involved officer(s) as soon as possible.
4. If any of the involved officers decline to participate in mediation, the complaint will be returned to the intake process in accordance with normal IAD policies and procedures.
5. If a complainant fails to appear for a scheduled mediation, without good cause as determined by the Chief of Police or his designee, the involved officer(s) will be provided with the choice of either rescheduling the mediation or having the case dismissed by IAD.
6. If any of the involved officers fail to appear for a previously scheduled mediation, without good cause, the monitor will notify IAD so that appropriate action can be taken. The complaint may then be processed by IAD as per normal policies and procedures.
7. Upon completion of the mediation, the complaint will be dismissed. No new complaint will be accepted based on the conduct of an officer during mediation. The mediation session will be confidential (with statutory exceptions) as per CRS §13-22-307 and the Colorado Council of Mediators Revised Code of Professional Conduct, Section V and there will be no requirement that an agreement be reached during the course of mediation.

c. Judicial or Administrative Review:

The complainant could reasonably be expected to use, or is using, another remedy or channel for the grievance stated in the complaint. Complaints that are subject to judicial, administrative, or other review which will explicitly or implicitly require a finding or ruling on the conduct that is the subject of the complaint may be dismissed. A complaint should be dismissed on this basis only if the alternative channel is reasonably accessible to the complainant and can provide an adequate remedy.

d. Untimely:

The complainant delayed too long in filing the complaint to justify present examination. IAD may waive the timeliness requirement for good cause.

1. Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations should be filed within sixty (60) days of the incident.
2. Except for good cause, complaints of serious misconduct including, inappropriate force, egregious acts of disparate treatment, or major rules violations should be filed within six (6) months of the incident. IAD may waive the time limit if there is substantial corroborating evidence of the misconduct.
3. There is no specific deadline for complaints alleging criminal conduct or corruption. Such complaints will be evaluated on their merits with due consideration for the quantity and quality of available evidence.

e. No Misconduct:

Even if all aspects of the complaint were true, no act of misconduct would have occurred. An allegation that fails to describe at least a potential violation of federal, state, or municipal law, or city or department policy will be dismissed. Occasionally, a complaint that fails to state misconduct may merit a referral to the Chief's Office for policy or other considerations or to mediation as a means of improving police community relations. A complaint may be dismissed if it is apparent that no misconduct was committed and if it is likely that additional investigation would not reach a different conclusion.

f. False or Trivial:

The complaint is trivial, frivolous, false, or not credible.

1. Allegations determined to be intentionally and materially false will be dismissed.
 2. Trivial or frivolous complaints may be dismissed. Trivial or frivolous complaints allege minor technical violations of procedural rules which have negligible adverse effects on the public or the credibility of the department.
 3. Complaints that are grossly illogical or improbable may be dismissed during intake by IAD or recommended for dismissal by bureau, district or division supervisors, per the procedure outlined in OMS 503.01(4)(b). However, care and compassion must be exercised to ensure that a full, fair and complete investigation is made of complaints made by those who may be suffering from a mental illness.
- g. Third Party Complaints:
- A complainant must generally have a reasonably direct relationship to the incident in order to file a minor complaint. Complainants are considered to have a direct relationship if they were directly affected by the alleged misconduct (first hand sources), witnessed the alleged misconduct (second hand sources), or have special, professional, or organizational knowledge about the alleged misconduct (e.g., a lawyer, judge, etc.)
1. Third hand or anonymous complaints that allege corruption or other very serious police misconduct will not be dismissed.
 2. Dismissal is not allowed for third party complaints of less serious misconduct if there is a reasonable explanation why a person with standing has not filed a complaint (e.g. the person who was directly affected is a minor child; is elderly, disabled, or deceased; cannot communicate easily in English, is not a citizen; is wanted on criminal charges; or has been threatened, etc.).
 3. Anonymous complaints of minor misconduct may be dismissed. However, supervisors will urge the complaining party to encourage a person with standing to file the complaint.
- h. Complaints about Repeatedly Reviewed Categories of Police Activity:
- IAD may receive allegations about some categories of police action (e.g. police procedures related to photo radar operations) that in the past have been repeatedly reviewed, preliminarily investigated, and subsequently dismissed by IAD. The discretion to summarily resolve a category of complaints should be exercised carefully with due regard to the nature and seriousness of the complaints.
- i. History of Unfounded Complaints:
- Occasionally, a single individual repeatedly files non meritorious, unfounded, or duplicative complaints, diverting time, attention and resources from other complaints. The IAD Commander may authorize in writing that repeated complaints from specifically named individuals receive special handling. District and division supervisors may also recommend dismissal and/or special handling for repeated complaints from specifically named individuals.
- Special handling may mean that designated persons are required to file their complaints in writing or that they not be interviewed as part of the intake investigation. This procedure may be used if IAD can demonstrate that a person:
1. Has a history of filing unverifiable or non-credible complaints and was warned in writing that the filing of similar complaints in the future may result in special handling, rapid disposition, or other specified actions, or;
 2. Previously filed a demonstrably false complaint. The discretion to specially handle complaints from named individuals must be exercised with great care and only with a supporting record.
- j. Complainant Withdraws:
-

The complainant withdraws the complaint or fails to complete the necessary complaint steps. The complaint may be dismissed if the complainant requests that it be withdrawn or explicitly agrees that his or her concern has been resolved and that no further action need be taken on the complaint. The complaint may also be dismissed if the complainant cannot be located, does not respond to requests for information, or fails to complete other necessary steps in the complaint process. Whether dismissed during the intake process or during post intake screening, the file needs to demonstrate a good faith effort to communicate with the complainant. The complainant's request to withdraw a complaint or failure to cooperate in an investigation does not require that IAD dismiss a complaint.

k. Unable to Identify Officer:

1. The identity of the officer cannot be determined. In some cases, there is no reasonable means of identifying the employee who is alleged to have committed misconduct. Depending on the nature of the complaint, dismissal may be prudent and proper to conserve limited public resources.
2. The complaint may be dismissed if, after a good faith effort, the involved employee cannot be identified and it would be unlikely that the employee would be identified. IAD may forward the complaint to an appropriate district or division commander for information and educational purposes.

l. No Jurisdiction:

DPD lacks jurisdiction. The authority to dismiss for lack of jurisdiction is inherent in the limited sovereignty of the City and County of Denver. IAD will dismiss complaints over which it has no jurisdiction, including complaints against persons who were not employed or supervised by DPD at the time the alleged misconduct was committed. If possible, IAD will refer the complainant to the proper department, agency or government entity. Complaints brought against career service employees may be taken by IAD or at any district or division and will be forwarded to IAD. Complaints against career service employees are generally forwarded to, and resolved by Safety Human Resources Division.

The DPD lacks jurisdiction to discipline persons it no longer employs. As such, a complaint may be dismissed if the employee resigns, retires or will no longer be employed by the department by the time the investigation and discipline process can be completed. However, in cases of serious misconduct by former employees, the IAD commander may:

1. Conduct an investigation and refer it to the Denver District Attorney's Office and/or place the findings in the employee's IAD or personnel file, or
2. Review the actions of the employee's supervisors, or
3. Review the department's policies and training curriculum, or
4. Elect not to dismiss the complaint until after an investigation has been completed if it appears that the employee may be rehired by the department or by another law enforcement agency, or
5. Elect to close the complaint with a notice to the employee's file that, should the employee return to the department at a later date, the case will be reopened and investigated.

(6) CONDUCTING INFORMAL INVESTIGATIONS:

A complaint which alleges minor misconduct may be handled in an expedited manner. Informal Investigations should be completed within five (5) days from the time the complaint is received by the district/division. Exceptions may occur when the involved employees are unavailable due to time off, vacation, illness, or other emergencies.

a. Supervisors will complete the following steps when handling a minor misconduct complaint:

1. Discuss the incident and the nature of the complaint with the involved officer(s) as well as the department's expectations with respect to rules and procedures pertaining to the
-

issues in the complaint, the complainant's perception of the officer's behavior, and alternative approaches the officer could have possibly used to improve service.

2. Document the incident and actions taken on the Commendation/Complaint Intake Form (DPD 687).
 3. If the investigation can be completed during the current tour of duty, all documentation will be forwarded to IAD where upon receipt a case number will be assigned.
 4. If the investigation cannot be completed during the current tour of duty, the supervisor will contact IAD for a case number, and forward all documentation to IAD upon completion of the investigation.
- b. IAD will review the documentation and determine if the actions taken by the investigating supervisor were sufficient to address the officer's alleged misconduct.
1. If IAD determines that the complaint is eligible for dismissal based on the criteria outlined in OMS 503.01(4)b, the complaint will be forwarded to the Chief of Police or his designee for final disposition.
 2. If IAD determines that the action taken by the investigating supervisor/command officer sufficiently addressed the complaint, IAD will advise the officer's chain of command that no further action is required.
 3. If IAD determines that the actions taken by the investigating supervisor/command officer did not sufficiently address the complaint:
 - The informal complaint may be sent back to the concerned officer's commanding officer for further follow-up as prescribed by IAD. An additional five-day (5) deadline is granted, with exceptions as noted in OMS 503.01(6)a above, or
 - The complaint can be reclassified as a formal investigation to be investigated by IAD.

(7) CONDUCTING FORMAL INVESTIGATIONS:

Allegations of general, pattern, or serious misconduct (including conduct prohibited by law) will result in a formal investigation.

- a. If the complaint intake performed by the supervisor of a division or district indicates that a formal investigation is warranted, the supervisor will notify the IAD, which will assign an IAD case number regardless of whether IAD or the district/division conducts the investigation.
 - b. The supervisor or command officer of a division or district handling a general misconduct allegation will contact the IAD for a case number. The supervisor or command officer of the division or district will prepare or cause to have prepared the Statement Form (DPD 366), and Commendation/Complaint Intake Form (DPD 687). The statement should address all allegations and complaints. Should clarification be necessary, questions and answers should supplement the statement. When a complaint is taken by telephone, the supervisor taking the complaint will complete the Commendation/Complaint Intake form and write a narrative summary of the complaint on a Statement Form. The IAD investigating officer assigned to the case (if the IAD is investigating the matter) should use these same forms.
 - c. Depending on the severity of a misconduct allegation, at the commencement of a formal investigation the IAD commander will confer with the appropriate deputy chief in order to determine whether:
 1. The subject officer should be allowed to remain in his or her usual assignment;
 2. The subject officer should be allowed to remain on duty but in another assignment; or
 3. The subject officer should be relieved of duty.
 - d. The IAD will immediately be notified when a subject officer is allowed to remain on duty but in another assignment, or is relieved of duty.
-

- e. If an officer is charged with a felony, the Chief of Police will indefinitely suspend the officer pursuant to Denver City Charter Section 42-27.
- f. An Officer Notice of Investigation (NOI) (DPD 627) will be generated and provided to an officer who is the subject of a formal investigation when that investigation is commenced, unless such notification may jeopardize the ongoing investigation.
The NOI will outline the general nature of the formal investigation and include a summary of the allegations. The NOI will be generated by the IAD.
- g. When directed by an investigating officer, every officer who has knowledge, whether direct or indirect, of the alleged misconduct will prepare and submit an individual, written statement before the end of the shift when he or she is directed to provide the report. Reports should be supplemented by questions and answers if necessary for clarification.
The statement form is to be provided to the supervisor or command officer conducting the investigation. A copy of the written statement will be sent to the commander of the reporting officer. The written statement must be accurate and complete.
- h. Prior to making any statement or answering any questions as a part of an informal or formal investigation, the subject or witness officer will be provided a copy of the Advisement Pursuant to Internal Investigation (DPD 455), (also known as the Garrity Advisement) by the supervisor, command officer, or IAD investigating officer conducting the investigation.
The officer will be provided a reasonable amount of time to review DPD 455 and to sign it. If the officer declines to sign DPD 455, the investigating officer will write "declined" in the officer's signature space. Although an officer may refuse to sign DPD 455 in a disciplinary investigation, the officer must still give a statement. An officer's refusal to give a statement may result in disciplinary action in accordance with the DPD Disciplinary Handbook.
- i. Statements will be taken from witnesses and complainants whenever possible and should be supplemented by questions and answers if necessary for purposes of clarification.
- j. If a formal investigation concerns an allegation of a law violation, the Miranda Advisement form (DPD 369) will be given to the subject officer in lieu of the Advisement Pursuant to Internal Investigation (DPD 455), before questioning. The statement should be supplemented by questions and answers if necessary for purposes of clarification.
- k. The administrative investigation of any incident requiring mandatory monitoring will be completed within thirty (30) calendar days of its initiation. For all other investigations under the jurisdiction of the monitor, the thirty day (30) time limit will not apply unless the Executive Director of Safety directs that the investigation and/or any related disciplinary actions be subject to the time limits set forth in this policy or to other time limits set by the Executive Director. Failure to comply with any time limits set forth in this policy will not serve as a basis for sworn personnel to challenge the jurisdiction of any entity referenced in this policy, nor will such failure serve as a basis to challenge any administrative action, including discipline, which may be taken against such sworn personnel nor will it constitute misconduct by any member of the department.
- l. If IAD is not able to complete within thirty (30) calendar days any investigation of any incident requiring mandatory monitoring or the time limits set by the Executive Director of Safety, the commander of IAD may request in writing through the chain of command that the Chief of Police grant a specified, reasonable amount of time in which to complete the investigation. IAD's request must identify the specific reasons that it has not been able to complete the investigation within thirty (30) calendar days and must explain why it believes the investigation can be completed within the requested extension of time.
Requests for extensions and responses thereto will be copied to the Independent Monitor, Citizen Oversight Board, and the Executive Director of Safety.

- m. At completion of the investigation, IAD will have the case reviewed by the Independent Monitor, and perform any reasonable and necessary additional investigation as requested by the Monitor. Once the Independent Monitor has certified the investigation as complete, it will be forwarded to the Conduct Review Division for the purpose of making determinations regarding each specification, and penalty recommendations when applicable.
- n. Scheduled discipline cases may be forwarded directly to the Conduct Review Division upon completion by the subject officer's commanding officer without first being reviewed by the Independent Monitor.

(8) CONDUCT REVIEW DIVISION:

- a. Using procedures and protocols outlined in the Discipline Handbook, the Conduct Review Division (CRD) will review the facts gathered during the formal investigation and make a determination for each listed specification.
 - b. Each specification listed for consideration will then be categorized according to one of the following findings:
 - 1. Unfounded – The investigation indicates that the subject officer's alleged actions relating to the department policy, procedure, rule, regulation or directive in question did not occur.
 - 2. Exonerated – The investigation indicates that the alleged actions of the subject officer were within the policies, procedures, rules, regulations and directives of the department.
 - 3. Not Sustained – There was insufficient evidence to either prove or disprove the allegation.
 - 4. Sustained – The subject officer's actions were found, by a preponderance of the evidence, to have been in violation of the department policy, procedure, rule, regulation, or directive in question.
 - c. Scheduled discipline cases
 - 1. If a case is sustained and the penalty recommendation is other than an oral or written reprimand, the case will be forwarded to the Executive Director of Safety for imposition of discipline.
 - 2. If a case is sustained and the penalty recommendation includes fined time or a suspension, the subject officer and his or her commanding officer are notified by CRD as to the disposition.
 - 3. If a subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a **Chief's Pre-Disciplinary Hearing**. The CRD will then schedule the **IRP process** as outlined in OMS 503.01(9). If the case is not sustained, the subject officer is notified by CRD of its disposition and it is forwarded to IAD for tracking and filing.
 - d. Non-scheduled discipline cases - Independent Monitor
The Independent Monitor will review draft findings and penalty recommendations of the CRD and note any concerns.
 - e. Non-scheduled discipline cases - oral or written reprimand
If a case is sustained and the penalty recommendation is an oral or written reprimand, the procedure outlined in OMS 503.01(8) i.1. will be followed.
 - f. Non-scheduled discipline cases – fined time or suspension
If a case is sustained and the penalty recommendation includes fined time, suspension, or termination, the CRD will coordinate a contemplation of discipline meeting where the CRD will notify the subject officer and his or her commanding officer as to the recommendation in the case.
-

1. The CRD will coordinate the timing and location of the contemplation of discipline meeting, which will occur no sooner than the first business day following the Chief of Police Conduct Review meeting. If it is determined there are circumstances necessitating a more urgent notification of recommendation(s), the Commander of CRD (or designee) retains authority to modify this time schedule.
 2. The subject officer will be served with a **Contemplation of Discipline letter** that outlines the complaint specifications; and if sustained, the recommended discipline. Officers being served with a **Contemplation of Discipline letter** are allowed 24 hours to make a decision to accept the discipline, or request a chief's hearing. If the officer chooses to use the 24-hour decision period, he/she will receive an order specifying the date and time to return to the CRD. At that time the officer must report his or her decision, in person, to the CRD.
 3. If the subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a Chief's Pre-Disciplinary Hearing. The CRD will then schedule the Investigative Review Process as outlined in OMS 503.01(10).
 4. If the case resulted in no sustained specifications, but included at least one of the specifications listed in OMS 503.01(8) (h.), below, the case will be reviewed in the Chief's Conduct Review Meeting.
- g. Chief's Conduct Review Meeting – sustained specification(s).
All cases with at least one sustained specification will be reviewed in the **Chief's Conduct Review meeting**, which will include; the Chief of Police, the subject officer's deputy chief and commanding officer, the Deputy Director of Safety, the Conduct Review Division Commander, **and/or any others as determined by the Chief of Police**. The purpose of the meeting is to gain input on the final determination and penalty assessment.
- h. Chief's Conduct Review Meeting – designated specification(s).
All cases involving an allegation of one of the following specifications will be reviewed in a Chief's Conduct Review meeting, regardless of the determination, to ensure that the determination is appropriate and to keep the Chief of Police and Executive Director of Safety informed as to the resolution of these cases:
1. RR-112.1 Misleading or Inaccurate Statements;
 2. RR-112.2 Commission of a Deceptive Act;
 3. RR-115 & 115.2 Conduct Prohibited by Law;
 4. RR-138 Discrimination, Harassment, and Retaliation;
 5. RR-306 Inappropriate Force (where the force recipient was hospitalized)
 6. Any other case deemed appropriate by the Chief of Police
- i. After the **recommendation** has been made by the Chief of Police and any case results in disciplinary action (either an oral or written reprimand, fined time, suspension, or dismissal), IAD will forward the final case summary sheet to both the officer and his/her commander.
1. When discipline is an oral or written reprimand, it will be issued to the officer by his/her commanding officer. The command officer will have a printout of the evaluation system journal entry for the reprimand forwarded to the IAD.

(9) RESOLUTION OF SUSTAINED SPECIFICATIONS WITH A RECOMMENDATION OF LOSS OF TIME:

- a. An **IRP (investigative review process)** will be commenced and a Chief's Pre-Disciplinary Hearing held when directed by the Chief of Police or requested by the subject officer.
 - b. The subject officer may elect to accept the penalty recommendation made by the Chief of Police and voluntarily waive any further disciplinary proceedings, pending approval by the Executive Director of Safety
-

- c. Either before or after the IRP, if the subject officer chooses to accept that penalty, he or she may write a letter to the Chief of Police through the commander of the CRD outlining mitigating or exonerating circumstances.

(10) INVESTIGATIVE REVIEW PROCESS (IRP)

a. **Phase I:**

Upon receipt of a sustained case the CRD will notify the subject officer of its completion and that the investigative report and recommendations are available for review.

1. If the subject officer is on vacation, accrued sick leave, or other approved leave, the five day (5) period will begin upon the subject officer's return to active duty unless otherwise ordered by the Chief of Police.
2. If the subject officer is serving a suspension, the IRP process will begin when the officer returns to active duty or at the direction of the Chief of Police.
3. The review period may be extended at the discretion of the CRD commander. Subject officers may select one (1) member of the classified service, or a Denver Police Protective Association or Fraternal Order of Police representative, or an attorney to represent them during the IRP process. No officer will serve as a representative if he or she has been identified as a witness or as another subject officer in the same IAD case being reviewed, or if he or she is in the subject officer's chain of command.

Unless there are extenuating circumstances, as determined by the commander of the CRD, the same officer will represent the subject officer during the IRP process.
4. Prior to commencement of the IRP, all persons who will review the investigative file will sign the Confidentiality Declaration (DPD 628a). Failure to sign the confidentiality declaration will preclude review of any files.
5. A subject officer and his or her representative will be allowed to review the entire investigative file regarding the subject officer's sustained violations.
6. A subject officer will not remove any documents, electronic or hardcopy from the IAD or CRD offices at any time during his or her review. A subject officer will not be allowed to copy any portion of the investigative file. A subject officer may, however, make and retain notes regarding the review. A copy of those notes will be retained with the IAD case file.
7. Officers are prohibited from retaliating in any manner against any officer, other employee, or person who has made a charge, testified, assisted, or participated in any manner in an investigation, IRP, Chief's Pre Disciplinary hearing or Civil Service hearing.

b. **Phase II:**

The second phase of the IRP consists of a meeting between the subject officer, one (1) officer representative, the investigating officer, and the IAD commander or designee. Phase II will be conducted within five (5) business days of the completion of Phase I of the IRP. The focus of the IRP is to attempt to reach agreement on the material facts of the case. Subjective, disputed facts such as the intent or opinions of the subject officer, complainants, and witnesses will not be addressed at the IRP.

1. Disputed factual issues will be discussed during Phase II of the IRP in an attempt to reach an agreement or understanding as to the content of the report. If the parties are not able to agree on all of the facts, the subject officer may within seven (7) calendar days of the Phase II IRP meeting, submit a memorandum of dispute not to exceed ten (10) pages, to be included with the investigative file. The content of the memorandum of dispute will be limited to specific factual issues mentioned in the IAD report.
 2. During Phase II of the IRP, the subject officer may petition, in writing, the IAD commander to conduct further investigation into the case. The subject officer must
-

articulate specific reasons why he or she believes further investigation is needed. The IAD and CRD commanders will confer and make the final decision as to whether further investigation is necessary. If it is determined that further investigation is needed, the original investigation will be reopened and further investigation conducted at the IAD commander's direction.

3. At the completion of the supplemental investigation, IAD will make the case available to the OIM for review.
4. Once the Monitor has reviewed the supplemental investigation, it will be forwarded to the Conduct Review Division for the purpose of making determinations regarding each specification, and if applicable to make penalty recommendations per the procedure outlined in OMS 503.01(8). The commander of CRD may set aside any previously sustained specification or adjust any of his or her original penalty recommendations at his or her discretion.
5. The subject officer will be provided an opportunity to review the supplemental report, which will be included in the original investigative report after the case is returned to the CRD commander.
6. In cases involving multiple subject officers, there will be a separate IRP for each subject officer unless a joint IRP is agreed to by the CRD commander and each subject officer.

(11) CHIEF'S PRE DISCIPLINARY HEARING:

- a. A **Chief's Pre Disciplinary Hearing** will be conducted by the Chief of Police (or designee).
 1. For each matter for which a Pre-Disciplinary Hearing will be held, a Contemplation of Discipline Letter will be prepared and provided to the subject officer within ten (10) business days of the CRD's recommendations.
 2. For each investigation that it monitors, the Independent Monitor may review the case file and discuss it with the Chief of Police and/or the Executive Director of Safety (or designee) prior to its being sent to the subject officer.
 3. A Pre-Disciplinary Hearing will be held no less than seven (7) and no more than ten (10) business days after the issuance of the Contemplation of Discipline Letter, unless extended by the commander of CRD. The Independent Monitor, Executive Director of Safety, and Denver City Attorney, (or their designees), may attend the Pre-Disciplinary Hearing (aka, Chief's hearing). Other individuals may attend the Pre-Disciplinary Hearing with the approval of the Chief of Police (or designee).
 - b. Prior to the Chief of Police making a recommendation as to whether any rule violations should be sustained and the level of discipline, if any, to be imposed upon an officer, the Chief of Police will confer with the Independent Monitor.
 - c. After holding a Pre Disciplinary Hearing the Chief of Police or his/her designee may initiate disciplinary action with a Written Command specifying disciplinary action. The Written Command will be submitted, pursuant to Denver City Charter section **9.4.14 (A)**, to the Executive Director of Safety for approval.
 - d. Within five (5) business days of the Police Chief's recommendation of discipline, the Monitor will advise the Executive Director of Safety whether he or she agrees with the Police Chief's recommendation, as to whether any rule violation should be sustained, and the level of discipline, if any. If the Monitor disagrees with the Police Chief's recommendation, the Monitor will state specific reasons for disagreeing with the recommendation.
 - e. In accordance with Denver Charter section **9.4.14 (B)**, within 15 calendar days of the date of the Chief's order, the Executive Director of Safety (or in his/her absence the Deputy Executive Director of Safety) will approve, modify, or disapprove the Written Order of disciplinary action **and will issue a Written Departmental Order** which will take effect immediately. As to each
-

specification, the Executive Director of Safety will have the option of accepting the penalty recommendation of the Chief of Police or increasing or decreasing the recommended penalty. Nothing in these provisions prohibits the Executive Director of Safety (or designee) from reviewing the investigatory file prior to receiving the Written Command. The Executive Director (or designee) has the discretion of engaging in settlement discussions with the subject officer or his/her representative, at any stage of the disciplinary process. Such settlement discussions, should they occur, will not be admissible at any future hearing(s) before the Civil Service Commission.

1. Prior to imposing discipline, if any, the Executive Director of Safety will confer with the Independent Monitor regarding the monitor's disciplinary recommendation and the monitor's evaluation of the investigation.
2. The Independent Monitor will be allowed to review, but will not become the custodian of, the Executive Director of Safety's disciplinary order.

(12) COMPLAINANT LETTER:

At the conclusion of the review and recommendations, a letter will be prepared by CRD notifying the complainant of the outcome of the investigation.

- a. Should the disposition change at any further level of review, CRD will modify the notification letter to reflect the new disposition.
- b. The completed letter will be forwarded to the Office of the Independent Monitor (OIM). OIM will ensure that the letter is sent to the complainant.
- c. The letter will include the complaint number, the date of the incident, the date the complaint was made, and the findings. The letter will include the name and phone number of the responsible person who can be contacted for further information.

(13) APPEALS PROCESS:

If a subject officer does not agree with a departmental order of discipline (other than a reprimand) issued by the Executive Director of Safety, the subject officer may appeal such discipline to the Denver Civil Service Commission pursuant to the Denver City Charter and Civil Service Rules then in effect. (See Denver City Charter section **9.4.15** regarding Civil Service disciplinary review procedures.

(14) DUTY TIME AND OVERTIME COMPENSATION:

- a. All officers who participate in a Chief's Pre-Disciplinary hearing or who serve as the subject officer's representative at a Chief's Pre-Disciplinary hearing will have that time counted as duty time.
- b. Officers up to and including the rank of captain who participate in a Chief's Pre Disciplinary hearing or who serve as a subject officer's representative at a Chief's Pre Disciplinary hearing and who are off duty will be paid overtime in accordance with the provisions of the collective bargaining agreement then in effect.

(15) INTERNAL PERSONNEL MATTERS:

IAD investigations are internal personnel matters and, as such, all investigative reports, command officer's conclusions, and recommendations will be secured in a manner that prevents unauthorized review and disclosure of findings.

(16) EXECUTIVE ORDER 94 POLICIES FOR ALCOHOL AND DRUG TESTING:

- a. Training on Executive Order 94
 1. All new supervisors and command officers should be trained on Executive Order 94 and Memorandum A during the first six months following their promotion. This training, at a minimum, should include the study of Executive Order 94 and Memorandum A, instruction on the recognition of drug and alcohol impairment and use, the proper documentation of the supervisor's reasonable suspicion, and the supervisor's

responsibility for escorting employees to the testing sites and through the testing process. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each supervisor and command officer with each supervisor and command officer acknowledging, in writing, receipt of the policy and the training.

2. All employees without supervisory or command officer duties should be trained on Executive Order 94 and Memorandum A during their first year of employment. Training, at a minimum, should include the study of Executive Order 94 and Memorandum A, and instruction on the recognition of drug and alcohol impairment and use. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each employee with each employee acknowledging, in writing, receipt of the policy and the training.
- b. **Prohibitions for all city employees including classified members of the police and fire departments - Alcohol**
1. **Employees are prohibited** from consuming, being under the influence of, or impaired by alcohol while performing city business, while driving a city vehicle or while on city property. There are three exceptions to this prohibition.
 - An employee is not on duty and attending an officially sanctioned private function, e.g., an invitation only library reception.
 - An employee is not on duty and at a city location as a customer, e.g., playing golf on a city course.
 - An employee is a member of the police department and as a part of the employee's official duties consumes alcohol in accordance with police department procedures as described in OMS 304.10.
 2. **As part of official duties**, members of the police department according to established department procedures may consume alcohol. However, it is grounds for discipline, up to including immediate dismissal, if members of the police department consume alcohol in violation of their department procedures.
 3. **The alcohol levels** defined by the state legislature that may be amended from time to time for defining "under the influence of alcohol" and "impaired by alcohol" are adopted here for purposes of this operations manual.
 - a. These current alcohol level definitions are contained in the Addendum to Executive Order 94. If there is a conflict between the state legislature and the DOT regulation, alcohol level definitions and the ones contained in the Addendum to Executive Order 94, the state legislature and DOT regulation definitions will take precedence.
 - b. Employees holding Commercial Driver's licenses (CDL) are also subject to the alcohol levels defined by the department of Transportation (DOT) regulations that may be amended from time to time for "under the influence" which are adopted here for purposes of Executive Order 94.
- c. **Prohibitions for all city employees including classified members of the police and fire departments - Illegal and Legal Drugs**
1. Employees are prohibited from consuming, being under the influence of, or impaired by illegal drugs while performing city business, while driving a city vehicle or while on city property.
 2. Employees are also prohibited from selling, purchasing, transferring or possessing an illegal drug.

There is one exception to this rule. As a part of official duties, illegal drugs may be handled, controlled and disposed of according to established department contraband procedures by employees. However, it is grounds for discipline, up to and including

immediate dismissal if employees sell, purchase, transfer or possess illegal drugs at any time other than as a part of their official duties.

3. Legal drugs – Notification of Supervisor

It is the responsibility of the employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public to advise their supervisors that they are taking prescription medication that may affect their performance.

4. Legal drugs - Prohibitions

Employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public are prohibited from consuming, being under the influence of, or impaired by legally obtained prescription drugs while performing city business, unless the following two determinations have been made:

- a. It is determined by both the employee's supervisor and either the employee's Human Resource Specialist or Safety Officer, after consulting with the Occupational Health and Safety Clinic (OHSC) personnel, that the employee's job performance will not be affected and that the employee does not pose a threat to his/her own safety.
- b. It is determined by both the employee's supervisor and either the employee's Human Resource Specialist or Safety Officer after consulting with the OHSC personnel that the employee will not pose a threat to the safety of co-workers or the public, and the employee will not disrupt the efficient operation of the agency.
 - If appropriate, the OHSC personnel may contact the employee's personal physician. Prior to making contact with the employee's personal physician, the OHSC personnel should obtain a medical release from the employee.
 - The OHSC will keep the medical records that disclose the identity of the legal drug confidential in accordance with state and federal laws.
 - Employees may be required to use sick leave, take a leave of absence or comply with other appropriate non-disciplinary actions determined by the appointing authority until the above determinations can be made.

5. The DOT regulations prohibit employees with CDLs from using marijuana, even for approved medical reasons. If the federal and Colorado laws are in conflict on this issue, the federal law will take precedence. Therefore, a positive marijuana drug test will be treated as an illegal drug use for all employees, including those with CDLs, subjecting them to all rules contained herein for illegal drug use even if a physician has recommended the marijuana for medical reasons.

d. **Drug and alcohol testing - Pre-Employment**

1. The Civil Service Commission or interviewing agency will perform pre-employment drug screening of all applicants in accordance with their policies and procedures.
2. Employees who will be filling jobs defined as safety-sensitive or requiring a CDL, prior to the first time the employee performs a safety-sensitive function, will be tested for controlled substances and may be tested for alcohol.
3. Refusal by an applicant to submit to a pre-employment test will result in denial of employment.

e. **Drug and alcohol testing - Reasonable Suspicion Testing**

When a supervisor or command officer has reasonable suspicion that any employee is consuming, under the influence of, or impaired by alcohol or illegal drugs after taking appropriate safety measures, i.e., removing the employee from any situation which may pose a safety risk to

the employee, co-workers or the public, the supervisor or command officer will immediately consult with the Internal Affairs on-duty/on-call command officer to determine further actions. However, if immediate consultation is not possible, it is the responsibility of the supervisor or command officer to promptly initiate alcohol and/or drug testing. The supervisor or command officer will initiate testing as follows:

1. Alcohol
 - a. Document in writing on Drug and Alcohol Testing (DPD 667), the specific reasons for the decision to initiate testing based on specific, contemporaneous, articulable observations of the employee's appearance, behavior, and speech or body odors.
 - b. When possible, have a second supervisor or command officer, confirm the specific contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odors.
 - c. Advise the employee that the supervisor or command officer is ordering the employee to go to the testing site for testing.
 - d. Escort the employee to the testing site as soon as possible. However, if the supervisor or command officer is unable to escort the employee, the supervisor or command officer should have another individual escort the employee for testing. The individual selected to escort the employee will be of a higher grade/rank than the employee being tested.
 - e. Require the employee to bring a picture identification card and proof of the employee's Social Security or employee/badge number to the testing site.
 - f. If the employee refuses to go to the testing site, or refuses to participate in the testing process, the supervisor or command officer should tell the employee that the testing request is a direct order and that refusal to comply with a direct order of an authorized supervisor or command officer might subject the employee to discipline, up to and including dismissal.
 - g. After the initial test results are known, the supervisor, command officer or escort will contact the Internal Affairs on duty/on-call command officer for further guidance. If the Internal Affairs on-duty/on-call command officer is unavailable and the supervisor, command officer or escort has a reasonable doubt about the employee's ability to satisfactorily and safely meet job requirements, the supervisor, command officer or escort will place the employee on investigatory leave pending results of testing or other administrative determinations.
 - h. No supervisor, command officer or escort should allow an employee to drive to or away from the testing site or the work site. However, if the employee does drive off, follow OMS 204.02.
 - i. During regular OHSC hours, the testing will be conducted at one of the OHSC testing sites. These testing sites are located at Denver Medical Health Center, 605 Bannock Street, 4th floor, and the Denver International Airport, Main Terminal, 6th level. After regular hours, the supervisor or command officer will page the OHSC alcohol and drug testing personnel at (303) 851-2877 to arrange for immediate testing.
 - j. Testing should be administered within two (2) hours of making a reasonable suspicion determination. If this two hour (2) time frame is exceeded, the supervisor or command officer should document the reason the test was not promptly administered on Drug and Alcohol Testing, DPD 667. Supervisors or command officers who do not test employees within this established time frame may be subject to discipline, up to and including dismissal.
-

- k. Supervisors, command officers and escorts will keep the employee's name and identifying information restricted to persons on a need to know basis.
- 2. Illegal drugs
 - a. Follow the steps listed above in Section 16.e.1.
 - b. However, testing for illegal drugs should be administered within eight (8) hours of making a reasonable suspicion determination. If this eight-hour (8) time frame is exceeded, the supervisor or command officer must document the reasons the test was not promptly administered on Drug and Alcohol Testing (DPD 667). Supervisors or command officers who do not test employees within the established time frame may be subject to discipline, up to and including dismissal.
 - c. If a supervisor or command officer has reasonable suspicion that an employee appears to be in possession of, selling or transferring illegal drugs not within the employee's official duties, the Internal Affairs on-duty/on-call command officer will be notified.
- 3. Post-accident testing
 - a. As soon as practicable following a driving or other workplace accident, the supervisor or command officer will ensure that driver-employee is tested for alcohol and drugs when the accident:
 - 1. May have been the fault of the employee and the accident involves a fatality; or
 - 2. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident; or
 - 3. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or any equipment; or,
 - 4. There is reasonable suspicion to test the employee.
 - b. Post-accident alcohol and drug testing should be administered within two (2) hours following the accident. Supervisors or command officers who do not test employees within the established time frames may be subject to discipline, up to and including dismissal.
 - c. When one of the post-accident criteria for testing applies and the incident involved a death, serious injury or an allegation that a serious crime has been committed, the District Attorney's Office will be contacted prior to ordering drug and/or alcohol testing.
- 4. Random Testing
 - a. The department may implement, with the Denver City Attorney's approval, random alcohol and drug testing for employees deemed to perform safety-sensitive functions for the department.
 - b. Pursuant to the DOT regulations, random alcohol testing will be conducted annually on 25% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Alcohol testing will be conducted on a random, unannounced basis just before, during or just after the employee performed safety-sensitive functions.
 - c. Pursuant to the DOT regulations, random drug testing will be conducted annually on 50% of the average number of City commercial driver's license positions in

existence. This percentage may be amended from time to time by the DOT. Drug testing will be conducted on a random, unannounced basis. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

5. Return to Duty Testing

If an employee has violated the prohibited conduct listed in Section 15 b. of this provision, the employee will not return to perform department duties unless the employee has completed a successful return to duty alcohol and drug tests and any other requirements imposed by Executive Order 94.

f. Testing and Documentation

1. When a Denver Police Department employee is transported for an Executive Order 94 related test, whether post-accident, reasonable suspicion or other test, both a drug and alcohol test are required. Testing will be done at the Occupational Health and Safety Clinic or Denver Health Medical Center under most circumstances.
2. Escorting supervisors will complete Drug and Alcohol Testing (DPD 667), briefly outlining the reason for the test and follow the distribution at the bottom of the form.

g. Injured Employees

When a Denver Police department employee is transported to a medical treatment facility, the supervisor will determine the following:

1. If the employee will be released within two (2) hours of the incident the supervisor will escort the employee to the Occupational Health and Safety Clinic (OHSC) for testing.
2. If the employee is not going to be released within two (2) hours, the OHSC lab technician will be contacted and respond to DHMC to administer the tests. If the employee is hospitalized at another treatment facility, the OHSC lab technician will not respond. The escorting supervisor must ask the treatment staff to perform the tests.
3. If the employee is initially unconscious and regains consciousness within the two hour (2) period, both drug and alcohol tests will be administered.
4. If the employee regains consciousness after the two hour (2) period but before eight (8) hours, the alcohol test will not be administered, but the drug test will be completed.
5. If the employee remains unconscious for more than eight (8) hours, contact the Performance Development Unit who will in turn contact the Denver City/District Attorney's office for direction.
6. If the event of a change in shift, it is the responsibility of the original supervisor to inform the oncoming supervisor of the situation. The oncoming supervisor will then ensure that the tests are completed within the time constraints.

7. Positive Tests

When an employee is tested for drugs and alcohol, the requesting supervisor will receive the test results immediately. Should the results indicate positive for drugs and/or alcohol, the supervisor will immediately notify the on duty or on call Internal Affairs Division representative.

8. Evening/Weekend Tests

In the event a test is needed during other than normal duty hours (0700-1500) and a call out is necessary, employees will contact Denver 911 personnel who will then contact the OHSC on-call Technician.

503.02 COMMENDATIONS

(1) POLICY:

The Denver Police Department recognizes that its employees consistently perform their duties at a high-level, however, sometimes the actions of its employees rise above the standard expected, meriting special recognition. The department also acknowledges that the total police mission could not be accomplished without the efforts of all its employees, both sworn and non-sworn. Furthermore, the department recognizes the vital and beneficial contribution made by its volunteers and citizens.

Therefore, it is the policy of the Denver Police Department to award in an official manner, employees, volunteers, and citizens who demonstrate meritorious conduct and exemplify and embody the standards set forth in the following policy; promote community involvement, and bring honor upon themselves, the department, and the City and County of Denver.

There are two employee recognition events:

- The annual Denver Police Foundation event – individuals will be presented with the appropriate medal, shirt pin, and/or certificate.
- The annual Denver Police Department Recognition event – a recognition event for employee award recipients, family, and friends - no awards will be presented.
- All other award recipients will be presented with a certificate by the appropriate division/district commander.

(2) DENVER POLICE DEPARTMENT COMMENDATIONS:

- Medal of Honor
- Medal of Valor
- Preservation of Life
- Distinguished Service Cross
- Purple Heart
- STAR (Superior Tactics and Response)
- Police Merit
- Excellence in Crime Prevention
- Lifesaving
- Community Service
- Official Commendation
- Chief's Unit Citation
- Community Hero
- Outstanding Volunteer
- Officer of the Year
- Career Service Employee of the Quarter
- Career Service Employee of the Year
- Volunteer of the Year

(3) PROCEDURES:

- a. Any employee of the Denver Police Department may nominate a sworn officer, civilian employee, or citizen for a commendatory award.
 1. All nominations will be prepared on a DPD 200, signed by the commending individual, and forwarded through his/her chain of command for approval. Upon approval, all

- nominations will be forwarded by the approving division chief via email to the Awards Committee (DPDCommend@denvergov.org) for review.
2. Any nomination prepared by an outside law enforcement agency will be forwarded to the Awards Committee via email (DPDCommend@denvergov.org).
 3. Nominations for Volunteer of the Year will be sent to the Volunteer Program Administrator, who will then forward the nomination to the Chief of Police.
 4. All letters of compliment and commendation from any other source will be forwarded to the Office of the Chief of Police.
- b. Nominations will be written in a clear and concise fashion, including the officer's name and badge number, and will omit police jargon or any other detailed information about suspects in the incident (e.g., race, age, D.O.B., direction of flight, etc.). Additional documents such as supplementary reports, after action reports, commendatory action report, or correspondence should be submitted to assist the board in determining the appropriate award.
- c. When more than one officer is involved in a commendable incident, the narrative of the nomination will specify the actions of each individual officer, aiding the awards committee in recommending the most appropriate award.
- d. Unless otherwise waived by the Chief of Police or the chair of the awards committee, all nominations are required to be submitted to the awards committee within six (6) months of the incident.
- e. All commendable actions resulting from involvement in a major event, such as an officer involved shooting, will be considered by the awards committee at the same time.
1. Officer involved shootings must receive a letter of clearance from the Denver District Attorney's Office and the department's Use of Force Review Board before the incident can be reviewed.
 2. The awards committee member will, at this meeting, review the case with the investigator, view all video tapes, and listen to any audio tapes. All aspects of the incident and all proposed commendations will be discussed, but no final determination will be made concerning any awards at this time.
 3. A conference call meeting will be acceptable at the discretion of the chair of the awards committee.
- f. Historical Awards:
Procedure for consideration of a "historical" award nomination:
- The nominating person must conduct all research and investigation.
 - The nomination will be sent via email to DPDCommend@denvergov.org for review.
 - If the award nomination is approved it will be presented at the annual retiree luncheon, usually coinciding with the police memorial ceremony held annually in May.

(4) AWARDS COMMITTEE:

- a. The Denver Police Awards Committee will be comprised of the chief of staff for the Chief of Police (or designee) as chairperson in a non-voting capacity (except to break a tie), one lieutenant, one sergeant, two officers below the rank of sergeant, two Career Service (CS) employees, and one community member.
1. The lieutenant, sergeant, officers, CS employee and community member will be nominated by the chair person (with affected commander's approval) and approved by the Deputy Chief.
 2. Final selection of board members will be made by the Chief of Police.
-

- b. The board will review and evaluate each nomination based on the information received. During consideration of awards, the board may choose to investigate the nomination and is empowered to call any officer witness or invite civilian witnesses to appear.
- c. The awards committee will review nominations and determine the appropriate award:
 - 1. Considerations for Medal of Honor, Medal of Valor, Preservation of Life, Distinguished Service Cross, and Purple Heart Award will be forwarded to the Deputy Chief. The Deputy Chief will review the board recommendation and then forward to the Chief of Police, who will determine what, if any, award is appropriate.
 - 2. All other nominations will be forwarded to the Chief of Staff for the Chief of Police for review and finalization.
- d. The awards committee may determine that the nomination does not meet the standards and eligibility for any listed award. In this instance, the awards committee will forward the nomination packet back to the approving division chief so that the nomination may be:
 - 1. Recognized at the unit/section/division/district level, including but not limited to, a journal entry and archiving of the nomination packet within the officer's personnel file.
 - 2. Resubmitted with additional facts and support in writing. The individual making the appeal will be given the opportunity to appear in person at a future awards committee meeting. Any further appeal is to be made to the Chief of Police whose decision will be final.

(5) AWARDS STANDARDS AND ELIGIBILITY:

- a. Medal of Honor - active duty sworn and reserve police officers
 - 1. Awarded by the Chief of Police to an individual for an act of outstanding bravery or heroism by which the individual has demonstrated in great degree the characteristics of selflessness, personal courage, and devotion to duty at the risk of his/her own life. The individual's actions substantially contributed to the saving of, or attempted saving of a human life.
 - 2. This is the highest and most prestigious department award and there must be no margin of doubt or possibility of error in awarding this honor. To justify the decoration, the actions must clearly render the individual conspicuous by an act so outstanding that it clearly distinguishes heroism beyond the call of duty from lesser forms of bravery. It must be the type of deed that, if not done, would not subject the individual to any justified criticism.
 - 3. A posthumous award may be made to an individual who has lost his/her life under conditions where the officer endangered themselves in circumstances consistent with good police practices.
 - 4. The award will consist of a Medal of Honor, a shirt pin, and a paper certificate.
 - b. Medal of Valor - active duty sworn and reserve police officers
 - 1. Awarded by the Chief of Police to an individual for an act, in the face of great danger, wherein valor, courage, and bravery are demonstrated over and above that normally demanded and expected.
 - 2. This is the second highest department award and to warrant this distinctive decoration, the act must be performed in the presence of great danger or at great personal risk and by its nature involved the saving of a human life, or attempted saving of a human life, the prevention of a serious crime, or the apprehension of a person who committed a serious crime. The action must be performed in such a manner as to render the individual highly conspicuous.
 - 3. The award will consist of a Medal of Valor, a shirt pin, and a paper certificate.
 - c. Preservation of Life - active duty sworn and reserve police officers
-

1. Awarded by the Chief of Police to an individual who performs an act of heroism, demonstrates good judgment, zeal, or ingenuity over and above what is normally demanded and expected, to preserve the life of another during a critical, volatile, or dangerous encounter while protecting the safety and security of the public and his or her fellow officers.
 2. For purposes of this award, a *critical, volatile, or dangerous encounter* will refer to any rapidly unfolding and dynamic incident where the subject is armed and the ability or intent to use lethal force is present.
 3. The award will consist of a Preservation of Life medal, a shirt pin, and a paper certificate.
 - d. Distinguished Service Cross - active duty sworn and reserve police officers
 1. Awarded by the Chief of Police to members who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor. The heroic act(s) performed must render the individual conspicuous and well above the standard expected.
 2. The award will consist of a Distinguished Service Cross, a shirt pin, and a paper certificate.
 - e. Purple Heart Award - active duty sworn and reserve police officers, CS employees, VIPs, and community members:
 1. Awarded by the Chief of Police to an individual who is seriously or critically injured while performing a heroic and/or police action. This award will be limited to those cases resulting from attack by an assailant, personal combat, or the performance of an act of valor.
 2. This Purple Heart can be awarded in conjunction with other awards.
 3. The award will consist of an enamel bar and medal for sworn officers, and a paper certificate for CS employees, VIPs, and citizens.
 - f. STAR (Superior Tactics and Response) Award - active duty sworn and reserve police officers:
 1. Awarded to an individual who, through exceptional tactics, acts to successfully resolve a critical incident, thereby promoting a culture of safety and professionalism to which all officers should aspire. The tactics displayed or performed must be conspicuously effective and above the standard expected.
 2. *Exceptional tactics* includes utilization of proper tactics and appropriate force which mitigated the level of danger and which were directly responsible for preventing the incident from escalating to a deadly force situation.
 3. The award will consist of a STAR Award, a shirt pin, and a paper certificate.
 - g. Police Merit Award – active duty sworn and reserve police officers, and CS employees:
 1. Awarded by the Chief of Police to an individual who distinguishes themselves with exceptional meritorious service. Through personal initiative, tenacity, and great effort acts to solve a major crime or series of crimes, or develops a program or plan which contributes significantly to the department's objectives and goals.
 2. The award will consist of an enamel bar for sworn officers and a paper certificate for CS employees.
 - h. Excellence in Crime Prevention - active duty sworn and reserve police officers, CS employees, VIPs, and community members:
 1. Awarded to an individual who demonstrates personal initiative and ingenuity by developing a program or plan which contributes significantly to the department's crime prevention strategy, or through innovation combats issues affecting the community.
-

2. The award will consist of an enamel bar for sworn officers, and a paper certificate for CS employees, VIPs, and citizens.
- i. Lifesaving Award - active duty sworn and reserve police officers, CS employees, VIPs, and community members:
 1. Awarded by the Chief of Police to an individual who, through exceptional knowledge and behavior, performs a physical act which saves the life of another person and there is no danger to the individual's life.
 2. The award will consist of an enamel bar for sworn officers, and a paper certificate for CS employees, VIPs, and citizens.
- j. Community Service Award - active duty sworn and reserve police officers, CS employees, VIPs, and community members:
 1. Awarded to an individual who, by virtue of sacrifice and expense of his/her time or personal finance, fosters or contributes to a valuable and successful program in the area of community service or affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
 2. This award will consist of a paper certificate.
- k. Official Commendation - active duty sworn and reserve police officers, CS employees, VIPs, and community members:
 1. Awarded to an individual who by exemplary conduct and demeanor, performs at a superior level of duty, exhibiting perseverance with actions resulting in a significant contribution to the department and/or improvement to the quality of life in the community.
 2. The award will consist of a paper certificate.
- l. Chief's Unit Citation
 1. Awarded by the Chief of Police to an entire unit, section, or division/district of the department whose members perform their assigned function in an unusually effective manner.
 2. The award will consist of a written account of the exemplary conduct prepared on an appropriate certificate.
- m. Community Hero Award – CS employees, VIPs, and community members:
 1. Awarded to a community member who provided assistance to a law enforcement officer in response to a criminal or emergency incident, placing themselves in danger of bodily injury.
 2. The award consists of a certificate and a pin for wearing on clothing.
- n. Outstanding Volunteer Award - active duty sworn and reserve police officers, CS employees and VIPs:
 1. Awarded by the Chief of Police to an individual who, by virtue of sacrifice and expense of his or her time, fosters or contributes to a valuable and successful program in the area of the department's mission, vision and values, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
 2. This award will consist of a paper certificate.
- o. Officer of the Year Award - active duty sworn police officers:
 1. This award will be presented annually to an officer who has represented the department in all facets of law enforcement with a commitment to excellence, in support of the mission and values of the organization. The officer has consistently persevered in the

- prevention of crime and demonstrated initiative, leadership, and dedication to the law enforcement profession.
- 2. This award may be presented annually to an individual officer, technician, corporal, detective, sergeant, or command officer, or as determined by the Chief of Police.
- 3. The award will consist of a plaque and a shirt pin.
- p. Career Service Employee of the Quarter:
 - 1. This award will be presented quarterly to a CS employee who continually performs their duties through perseverance and dedication to excellence and outstanding customer service. Demonstrating a positive attitude when interacting with others and highly motivated with innovative ideas to improve efficiency, benefiting the department and community. Documentation of positive customer feedback will be considered for this award.
 - 2. The award will consist of a paper certificate.
- q. Career Service Employee of the Year Award:
 - 1. This award will be presented annually to a CS employee who has represented the department in all facets of service with a commitment to excellence, in support of the values of the organization, and a desire to represent the department in the manner in which they were hired.
 - 2. The award will consist of a plaque.
- r. Volunteer of the Year Award – Volunteers in Police Service:
 - 1. This award will be presented annually to a volunteer in the program with a distinguished commitment to excellence, in support of the values of the organization.
 - 2. The award will consist of a plaque.

503.03 PERFORMANCE EVALUATION SYSTEM

(1) REQUIREMENT:

The Performance Evaluation System (PES) will be completed annually for each officer up to and including the rank of captain. The PES will document an officer's performance throughout the calendar year, regardless of any change to assignment or rank (up to the rank of captain). Evaluations (for the prior calendar year) must be finalized by January 15th and are due to the Safety Human Resource Division (printed and signed) on February 1st of each year.

(2) GENERAL OVERVIEW:

The PES is governed by the official Performance Evaluation System Guide, which can be found on DPDWeb. To ensure that all officers are rated fairly and accurately, the Guide has been created to give all raters a benchmark for efficiently implementing the PES. In order to stay within the framework of the PES, all supervisory raters will utilize this Guide, referring back to the definitions and examples provided. The PES is comprised of three sections: Service Delivery, Interpersonal Skills, and Personal Development.

- a. The Service Delivery section incorporates action plans to reach benchmarks of the division level strategic plan. At a minimum, one action plan per officer will be developed for each quarter. The corresponding results achieved narrative will be given an assessment score. Additionally, action plans can be customized to any officer that must be placed on a Performance Improvement Plan.
- b. The Interpersonal Skills section allows for documentation of specific, performance-based narratives called journal entries. Each journal entry will be dated, sourced, categorized and given an assessment score.

- Journal entries will also be used by supervisors to record incidents of minor misconduct or exceptional attention to duty by their subordinate officers. Disciplinary matters and commendations will also be noted.
 - No officer will have any comment adverse to his/her interest entered in a journal entry or personnel file without having the opportunity to read the instrument containing the comment. See section (7).
- c. The Personal Development section allows officers to contribute to their evaluation and identify career path goals. Officers may submit an Officer Self Assessment – Addendum form at any time of the year, however, all officers that fall under the requirements of the PES must submit this form within the 4th quarter to identify short and long term career goals. In turn, supervisors will complete the Career Development Acknowledgement (a short narrative describing how the supervisor can facilitate the officer's goals). All Officer Self Assessment – Addendum forms submitted must be electronically stored within the PES file system and attached to the final performance evaluation when submitted in hardcopy to the Safety Human Resource Division.

(3) SUPERVISOR/COMMAND RESPONSIBILITY:

Each officer will be rated by his/her immediate supervisor. Command officers will have access to all in-progress PES reports that fall under his/her purview and will periodically check the status of these files throughout the calendar year to ensure the PES is being applied as described within the official guide.

(4) QUARTERLY ASSESSMENT:

Supervisors will hold quarterly assessment meetings with the officer they are rating, providing feedback for the prior quarter's action plan and outlining the pending quarter's action plan.

(5) ORAL REPRIMANDS:

- a. Oral reprimands are an approved police department disciplinary action administered as the result of a sustained disciplinary action.
- b. Oral counseling or admonishment may be administered for failures of standard policy or procedural guidelines (e.g., tardiness, incomplete reports, etc.). This activity should be recorded in a journal entry and will not be termed an oral reprimand unless formalized by a sustained internal affairs complaint.

(6) RATING CHANGES:

Any changes to an assessment score (whether recommended or executed) by a second-level supervisor or command officer will be brought to the attention of the individual officer being rated as well as to the attention of the immediate supervisor who prepared the original rating. The second-level supervisor or command officer will act within the parameters of the official guide and has final authority over any individual assessment scores.

- No supervisor outside the original supervisory chain is allowed to change an officer's performance evaluation.

(7) APPEAL PROCESS:

Officers being rated can appeal any individual assessment score, action plan or journal entry within thirty (30) days of the date they were first notified of the score.

- a. The appealing officer will submit an Officer Self Assessment – Addendum form to their immediate supervisor before the deadline, detailing the reasons why their individual assessment score should be changed.
 - b. The supervisor will take the rebuttal under consideration (or forward the rebuttal to the supervisor who made the entry). If the supervisor who made the original assessment score, action plan or journal entry does not agree with the rebuttal, he/she will forward it to the district/division commander.
-

- c. If the supervisor does not agree with the rebuttal, the officer will at least have their account of the incident documented on the Officer Self Assessment – Addendum, which must be attached to the evaluation at the end of the year.
- d. The final decision for any appeal rests with the respective division/district commander. Evaluations are not eligible for appeal beyond the commander. The appealing officer will be notified by the commander or designee of the final decision.

(8) RECRUIT OFFICERS / POLICE TRAINING PROGRAM OFFICERS:

The PES does not apply to recruit officers or probationary officers while participating in the Police Training Program. The Academy Unit is responsible for providing a means of documenting performance while in the academy or in the Police Training Program. The PES as referenced in this section will be utilized upon successful completion of the Police Training Program.

- a. While assigned to the police academy, recruit officers are evaluated by their performance on written and practical tests designed to measure knowledge and application of basic police functions. Outstanding and deficient performance is documented in the ADORE application. Additionally, recruits are introduced to the Police Training Officer (PTO) model of training at the academy. In the PTO model, recruits document their own performance through training notes and coaching and training reports (CTR). Supervisors assess these self-evaluation tools for accuracy and resolve any discrepancies by working with the recruit.
- b. After leaving the academy and while receiving field training, each probationary officer will be evaluated by a Police Training Evaluator (PTE) at least twice during training using the PTO Evaluation Report. The PTO Evaluation report will be reviewed and approved by the appropriate training coordinator and PTO Administrator, and reviewed with the probationary officer. The evaluation report is stored in the ADORE application, and may be accessed by training and command staff.

503.04 PERSONNEL ASSESSMENT SYSTEM (PAS)

(1) PURPOSE:

The Personnel Assessment System (PAS) is a Denver Police Department program created to increase police accountability and reduce department liability through a system of recognition and intervention. The goal of PAS is to enhance the success of Denver police officers by identifying individual performance problems followed by the application of intervention techniques designed to improve performance.

- a. The department's provision of training, counseling, support, and other services under this policy does not in any way diminish an officers ultimate responsibility for his/her performance, including the correction of any identified performance deficiencies.
- b. Nothing in this policy should be construed to suggest that a PAS intervention is a replacement for the department's disciplinary procedures.
- c. When required, participation in a personnel assessment strategy is mandatory.

(2) DEFINITIONS:

PAS – The Personnel Assessment System (PAS) is a non-disciplinary process used to identify and address performance issues early in their development. PAS relies primarily on supervisor observation and input, and is complemented by a computer program that draws information from existing databases of incidents such as, commendatory actions, uses of force, and citizen complaints.

Referral - A referral is a direct recommendation made into the PAS program. Recognizing the need for the human element in employee success, referrals may be made by managers, supervisors, peers, family, or friends. In addition, concerned officers may self-refer. Referrals may be based on information discovered in PAS data sources, personal observations, or knowledge of other circumstances that could have an adverse effect on officer performance. Referrals may be made directly to the Performance

Development Unit (PDU), or to any other supervisor or command officers who will bring the referral to the attention of PDU.

Review - A review of an officer's performance and conduct may occur as a result of several circumstances and will be based on the totality of the circumstances. For example, a review may be initiated as a result of a single Internal Affairs Division (IAD) investigation, a single complaint coupled with other performance issues, a possible pattern of complaints or misconduct, or by reaching established review limits. A review may involve a management or supervisory examination of all available information pertaining to officer(s) that may or may not indicate a need for intervention. The goal of the review is to determine whether any level of intervention is needed to assist the officer.

Review Limits - Review limits determine the number or frequency of incidents tracked in the PAS computer program that may warrant a review. Review limits may be adjusted periodically by the Chief of Police. Review limits will be made public to all officers.

Review limits are meant to prompt an examination of an officer's performance that may indicate a disparity compared to similarly situated officers. Review limits are meant to be practical and reasonable.

Additionally, not all performance data available in the PAS system will have a related review limit. The identification of effective review limits is an ongoing process impacted by the availability of performance related information, technology, and the proper identification of indicators of officers with performance problems.

Performance metrics that will trigger a mandatory PAS review (reviews are conducted on a monthly basis):

- Three (3) of any one incident type within the previous three (3) months
- A total of four (4) or more incident types (any combination) within the previous three (3) months
- Six (6) of any one incident type within the previous twelve (12) months
- A total of seven (7) or more incident types (any combination) within the previous twelve (12) months
- Two (2) or more accidental and/or deliberate firearm discharges in one (1) year

NOTE: Incident types include use of force (excluding cases where no force was used but the suspect complained of injury), formal complaints (including newly named defendants in civil lawsuits), and officer involved critical incidents. Multiple incident types that stem from a single event will not be counted twice. Exonerated or Unfounded complaint cases, and Declined complaint cases (BWC or mediation) will not count as an incident type within the PAS review.

Response Level - The response level will be based on each particular PAS review or referral. Response levels are intended to improve officer performance and are not a disciplinary action. There are two possible levels of response that may be applied to a review:

- Level One - Notification
- Level Two - Intervention

(3) PROCEDURES FOR PAS REVIEW OR REFERRAL

PAS information is confidential and will not be disseminated to unauthorized persons, either internally or outside the department. Individual users are responsible to maintain the security of the PAS computer program. PAS may not be used for personal use or gain, and misuse of PAS may result in discipline.

- a. PAS printouts may be referred to as needed; however, they will not be attached to evaluations or any other reports including IAD investigations.
- b. Individual officers are encouraged to review their own EIS computer system information on a frequent basis. Reviewing EIS information allows the officer the opportunity to ensure the accuracy of EIS data and to monitor multiple performance indicators. An officer who finds data that they believe is inaccurate should inform their immediate supervisor of the records in question. The supervisor will then contact the PDU with a description of the possibly inaccurate

data. The PDU will cause the record in question to be corrected when appropriate and inform the officer and the supervisor of the outcome.

- c. Regardless of the origin of a review of an officer's performance under this policy, one of the response levels detailed below will be used:

1. **Level One – Notification:**

Based on the totality of the information available, the issue is of such a nature as to necessitate the notification of the officer and their commander. The officer's commander will notify the officer.

- The commander will coordinate with the Performance Development Unit and/or the Academy to identify any appropriate resources to which the officer may be referred.
- The officer's input will be sought in order to identify an informal response plan that will help correct any possible deficiencies. The commander will provide a written explanation to the Chief of Police, through the chain of command, within fourteen (14) days of receipt of the notice, detailing their actions.
- The Performance Development Unit will retain copies of all PAS response plans once approved by the Chief of Police.
- All documentation of completed training during PAS plans will be forwarded to the Performance Development Unit.
- Command officers may elevate any officer to a Level Two – Intervention response when that officer receives a second PAS review within twelve (12) months. Should the command officer decide on a Level One – Notification, an explanation must be provided detailing the reasons.
- A third PAS review within twelve (12) months will automatically be escalated to a Level Two - Intervention response.
- Assigning a sergeant to address and respond to a Level One review is acceptable; however, the lieutenant is responsible for the outcome.
- A journal entry within the officer's performance evaluation will be made noting the Level One – Notification review. (Assessment score: Not Applicable)

2. **Level Two – Intervention:**

Based on the totality of the information available, the issue is of such a nature as to necessitate a formal intervention, which includes a written plan. The officer's commander will notify the officer.

- The commander will coordinate with Performance Development Unit and/or the Academy Unit to identify any appropriate resources to which the officer may be referred.
 - The commander will coordinate with his/her deputy chief and Performance Development Unit and/or the Academy Unit to determine the appropriate form of intervention.
 - The officer's input will be sought in order to help determine a course of action that will help to correct any possible deficiencies. The commander will provide a written explanation to the Chief of Police, through the chain of command, within fourteen (14) days of receipt of the notice, detailing their actions.
 - The Performance Development Unit will retain copies of all PAS response plans once approved by the Chief of Police.
 - All documentation of completed training during PAS plans will be forwarded to the Performance Development Unit.
-

(4) REMEDIAL PLANS:

The response will include a written remedial plan detailing the efforts being made to correct any performance and conduct issues of concern. Template language will be avoided and each plan should be tailored to the individual officer and his/her needs for improvement.

- a. Written plans will include specific goals, structure, oversight and support.
- b. Plans will mandate weekly meetings with a sergeant to gauge progress, and will be documented in a journal entry.
- c. Plans will include a monthly meeting with a sergeant and lieutenant, and will be documented with a journal entry.
- d. The remedial plan will be signed by the officer indicating that the response has been reviewed. The officer's progress must be monitored and formally reported to the Chief of Police through the chain of command.
- e. At the conclusion of the plan, a report noting the results will be completed by the assigned command officer and forwarded to his/her respective deputy chief within 14 days. A final journal entry will be made in the officer's record noting the outcome of the plan.

(5) INTERVENTION STRATEGIES:

Appropriate intervention strategies may include:

- a. Referral to Peer Support, psychological services, police chaplain, Denver Police Resiliency Program, Employee Assistance Program, or other appropriate employee support system.
- b. Coordination with the Academy Unit to identify training needed to improve an officer's performance.
- c. Non-disciplinary coaching or direction by the officer's supervisor, developing a monitoring program or a follow-up plan, or encouraging the officer to help the supervisor determine the best intervention option for the situation.
- d. Mandatory department authorized training, targeting personal or professional problems that the officer may be facing (i.e. communications, cultural awareness, coping with stress, anger management, or skills training such as remedial driving, arrest control techniques, etc.).
- e. Reassignment or transfer.
- f. Recommending policy revisions or additions, or departmental training needs.
- g. Provide direct supervisory observation by assigning a corporal or sergeant to accompany, or "shadow" the subject officer for a time period and frequency determined by the officer's commander. This strategy is strongly encouraged, recognizing that staffing levels can be a factor.
- h. Online Police One training videos

(6) ROLES AND RESPONSIBILITIES:

- a. Performance Development Unit (PDU) Responsibilities:
 1. PDU is responsible for establishing and administering the PAS, and generating reports specified in this policy, as requested by a commanding officer for personnel under their command, or as otherwise directed by the Chief of Police.
 2. PDU coordinates with psychological services, Peer Support, the Training Section, the Denver Employee Assistance Program, and other available services to develop effective intervention strategies. The purpose of the intervention is to enhance employee success by addressing behavior before the conduct becomes more serious or a disciplinary issue.
 3. Whenever a referral or review is initiated, PDU will prepare documentation for review by the assigned commander in order to determine the appropriate level of response.
-

4. At a minimum, PDU will produce a monthly report detailing officers who have reached a review limit for three (3) and twelve (12) month thresholds.
 - PAS reports will be generated for Districts 1, 3, 5, Metro/SWAT and Gang Unit at odd month intervals.
 - PAS reports will be generated for Districts 2, 4, 6, Traffic Operations Section and all others at even month intervals.
 5. PDU will monitor the officer's completion of assigned requirements on all Level One - Notifications and Level Two - Interventions.
 6. PDU draws no conclusions concerning the generated reports. PAS reports are intended to assist command and supervisory personnel in the evaluation and guidance of their subordinates. PAS reports alone will not form the basis for disciplinary action.
 7. Develop and share weekly reports that outline the number of delinquent PAS reviews and number of PAS reviews by bureau, division, district, section, or unit.
 8. K9 bite related use of force incidents will not be included in the Personnel Assessment System; instead, the Chief's Office will rely on the quarterly reports generated from the Metro/SWAT Section. A PAS Report may be initiated after a review of these reports by the Chief of Police (or designee).
- b. Command Officer Responsibilities:
1. Command officers are required to review the EIS information for the supervisors under their command at least once a month. The command officer must ensure that such supervisors are reviewing the EIS information of the officers under their span of control once per month to make certain that no issues have gone unrecognized.
 2. When a command officer has identified a subordinate who may need a review, the command officer will gather the necessary documentation. PDU may be called upon for assistance.
 3. Command officers are responsible for the development, execution and documentation of any necessary remedial plans implemented under their supervision. Command officer oversight will be tracked within the command officer's performance evaluation system as an "action plan" for that quarter. The outcome rating will be based on the success or failure of the plan implemented, the effort exhibited by the command officer working with the supervisor and/or officer to accomplish the plan, and the proper weekly documentation of the plan.
- c. Supervisory Officer Responsibilities:
1. All supervisory officers are required to review the EIS information for the officers under their span of control a minimum of once a month. Supervisory review of EIS is also required during preparation of officer performance evaluations.
 2. When a supervisory officer has identified a subordinate who may need a review, the supervisor will gather the necessary documentation. The supervisor will then make a determination of the level of response required or will refer the review to the appropriate chain of command.
 3. Nothing in this policy precludes a supervisor from intervening with an officer before a referral is made or a review is initiated. Through personal observation and available performance data, the EIS program can best be utilized by supervisors to identify opportunities to improve officer performance.
 4. Supervisors are responsible for the development, execution and documentation of any necessary remedial plans implemented under their supervision. Supervisory oversight will be tracked within the supervisor's performance evaluation system as an "action plan" for that quarter. The outcome rating will be based on the success or failure of the plan
-

implemented, the effort exhibited by the supervisor working with the officer to accomplish the plan, and the proper weekly documentation of the plan.

OPERATIONS MANUAL

DENVER POLICE DEPARTMENT



504.00 EQUIPMENT AND SUPPLIES

REVISED: 02/16/2018

PAGE: 1 OF 10

504.01 REQUISITION AND RECEIPT OF SUPPLIES

(1) GENERALLY:

The Uniform/Stationary Supply Unit will requisition, store, and deliver stationery supplies upon proper request. Commanding officers are requested to anticipate stationery needs for a period of at least one (1) month, and recognizing that processing must be allowed, submit requisitions no more frequently than is necessary to replenish needed supplies. This is not intended to prevent the ordering of supplies on an emergency basis, but to reduce to a minimum the number of times emergency orders are requested.

(2) REQUEST FOR SERVICE OR SUPPLIES:

All requests that will or may initiate the purchase of any materials, supplies, or a service or repair, must be made in writing and signed by a commanding or supervisory officer.

(3) REQUISITIONS:

- a. Requisitions for stationery supplies and other items normally procured through the Uniform/Stationary Supply Unit will be forwarded directly to that office.
- b. Requisitions for supplies not stocked by the Uniform/Stationary Supply Unit will be forwarded to the Financial Services Section.

(4) FORM REPLENISHMENT:

- a. All requests for DPD numbered forms are to be submitted in writing to the Uniform/Stationary Supply Unit. When stocks are nearing depletion, the Uniform/Stationary Supply Unit will submit a resupply request to the Planning, Research and Support Section.
- b. Supplies of forms which are used by only one unit within the department will not be maintained in the Uniform/Stationary Supply Unit. The entire stock will be delivered to the unit which uses them. It is the responsibility of that unit to anticipate its needs and reorder, through the Planning, Research and Support Section, before supplies are exhausted.

(5) FORM DESIGN OR REVISION:

- a. All printing requisitions for new or revised forms (including those funded by special grants) will be processed through the Planning, Research and Support Section. Planning, Research and Support Section is responsible for proofreading and editing the form for policy/rule conflicts.
- b. Requests for new forms or for form revisions are to be approved by the commander(s) whose Division(s) utilize the forms. An example of the form is then submitted to the Planning, Research and Support Section for forms control, standardization, and printing.

(6) RECEIPT OF ITEMS:

Immediately upon receipt of the items ordered, the receiving individual will weigh, count, or otherwise measure the items and record the quantity, date, and sign their full name. All receipts will then be forwarded to the Financial Services Section.

(7) RECEIVING DATA:

Receiving data regarding partial shipments will be accumulated on the reverse side of this form and when the total shipment has been completed, the appropriate notations will be made in the receiving columns on the face of the form.

(8) DAMAGED OR NON-CONFORMING SHIPMENTS:

Damaged or non-conforming shipments will be refused, and appropriate notations made on the reverse side of the form.

(9) COMPLETE ORDERS:

After the shipment of all items on this form have been completed and appropriately noted by the receiving individual, this form along with all packing slips, delivery memos, bill, and invoices will be immediately returned to the Financial Services Section.

504.02 ISSUED ITEMS AND EQUIPMENT

(1) OFFICER RESPONSIBILITY:

Officers are responsible for (and will be held accountable for) all department issued items. In addition, officers may be held financially responsible for the loss or damage to any department or personal property because of culpable negligence on their part.

(2) UNIFORMS:

- a. Standard uniform items may be acquired from the Uniform/Stationary Supply Unit. The issuance of these items will be recorded and maintained by the Uniform/Stationary Supply Unit.
- b. Alterations (i.e., hemming, shirt tapering, etc.) will be the personal financial responsibility of the individual officer and the officer's personal expense for tailoring (and cleaning, etc.) is taken into budget consideration when establishing the annual equipment allowance.

(3) LOSS, DAMAGE, AND/OR REPLACEMENT OF DEPARTMENT ISSUED PROPERTY:

Officers are expected to exercise appropriate measures when caring for property entrusted to them. Officers will immediately report to a supervisor, and in writing, the circumstances under which the loss occurred.

- a. In the event of loss or damage to department property during an official police action, the officer will direct a letter to the Commander of the Operations Support Division, through his or her chain of command, requesting that this property be replaced by the department.
 1. A General Occurrence (GO) report must be completed for any lost or stolen police equipment (including personally owned weapons used in the performance of department duties) and uniform items. The reporting officer will ensure that the Intelligence Unit is notified to track lost or stolen police equipment that could be used in furtherance of other crimes. Using the MRE, the officer will select "routing" on the GO report, add "HINTEL" for the handle and choose "N" (notify). A "notify" will send a copy of the report to the Intelligence Unit, but still allow the report to be routed to the appropriate investigative unit. If using a desktop RMS to create the GO, the routing screen will be displayed when the report is saved. The handle that is responsible for investigating the case will be displayed. Add the "HINTEL" handle and "N" (notify) on the routing screen and select "route".
 2. The reporting officer will present the GO case number to the Uniform/Stationary Supply Unit before any items will be replaced.
 3. Each request will be forwarded to the Financial Services Section with a recommendation by the Commander of the Operations Support Division, approving or denying the officer's request for replacement. Approved requests will be forwarded to the Uniform/Stationary Supply.
 4. Temporary replacements of department issued equipment may be made only once it has been determined who will bear the cost. If replacement at department expense is not approved, the officer will submit payment to the Financial Services Section for the loaned equipment.
 - b. If department issued property is damaged during an arrest, the arrestee may be charged with
-

destruction of public property (DRMC 38-61). The Unified Summons and Complaint should indicate the damage and approximate replacement cost for each item.

- c. Any department property lost or damaged because of negligence by an officer will be replaced at the officer's expense.

(4) DISPOSITION / RETURN OF DEPARTMENT OWNED WEAPONS, UNIFORMS, AND EQUIPMENT:

a. Authorization rescinded – Utility firearms and less-lethal weapons:

1. When an officer is no longer authorized and certified to carry a utility firearm or less-lethal weapon (e.g., transfer, discipline, failure to meet program requirements, etc.), any department owned firearm/weapon assigned to that officer, along with all issued equipment, parts, accessories, uniform items, cleaning supplies, and ammunition, will be returned to the Firearms Unit where it will be inventoried and stored until reassigned.

b. Resignation or termination related to IAD investigation, discipline, or mental fitness:

1. For such separations, or at the direction of the Deputy Chief of Administration (or designee), the Internal Affairs Division will coordinate the completion of an Officer's Equipment Clearance Form (DPD 2A) and the return of all firearms and related equipment/accessories, less-lethal weapons, uniforms and equipment with the affected officer and appropriate units (Firearms, Uniform/Stationary Supply, TESU, EEB, Operations Support, Safety Human Resources, etc.).
2. If the officer was issued non-standardized equipment related to a current or prior assignment, IAD will coordinate the return of such items with the appropriate division, district, section, or unit.
3. An officer assigned to the Internal Affairs Division will be present and monitor the exchange/inventory.

c. Resignation or termination related to an officer's conduct that rises to that of a felony charge under Colorado Revised Statutes:

1. A sworn member of the Internal Affairs Division will take possession of the following department issued items:
 - Weapons
 - Police badge
 - Police identification
 - Police radio
 - Cell phone
 - Body worn camera
 - TASER
 2. Department issued weapons will be taken to the Firearms Unit by IAD personnel for storage or reissuance as deemed by the officer's command. All other items will be placed into the Property Management Section and maintained until disposition of the case.
 - If the officer is reinstated, the Internal Affairs Division will be responsible for returning all equipment to the officer prior to a return to duty.
 - When an officer is terminated or resigns as a result of an IAD investigation, and whose personnel assignment at the time of such resignation or termination was modified to reflect assignment under the Internal Affairs Division, it will be the
-

responsibility of a command officer or designated supervisor from the Internal Affairs Division in conjunction with the officer's previous assignment to initiate the Officer's Equipment Clearance Form (DPD 2A).

- All identified special issued equipment as related by the officer's previous assignment(s) will be accounted for or noted as appropriate on the DPD 2A. These items once returned will be maintained by the appropriate previous assignment.
- Upon completion of the initial portion of DPD 2A, IAD personnel will notify the appropriate unit of the pending inventory to expedite the equipment clearance process and/or schedule a time for processing. All other aspects of the equipment clearance procedure will follow that of the normal retirement or resignation process.

d. Retirements and non-disciplinary resignations:

1. All weapons, uniform, and equipment items
 - The separating officer, through his/her division assignment, will complete an Officer's Equipment Clearance Form (DPD 2A) and coordinate the return of designated equipment items with the appropriate units (Firearms, Uniform/Stationary Supply, TESU, EEB, Operations Support, Safety Human Resources, etc.).
 - If an officer has been issued non-standardized equipment related to a current or prior assignment, the officer will coordinate the return of such items to the appropriate division, district, section, or unit with a command officer or supervisor from his/her current assignment.
 - Retirements after a minimum of ten (10) years of service
With the approval of the Chief of Police, all items not of current issue may be retained by the officer. Items that may be retained by the officer will be identified by the Uniform/Stationary Supply Unit.
2. Recruit officer resignations
Recruit officers will comply with section d. 1. of this section and participate in a designated exit interview process prior to final separation processing.

e. Officer's Equipment Clearance Form (DPD 2A):

1. Prior to an officer separating from the department, a command officer or designated supervisor will direct that he/she complete the Officer's Equipment Clearance Form (DPD 2A). When officers resign, retire, or are terminated because of an IAD investigation, discipline, or mental fitness, an officer from the Internal Affairs Division may be directed to assist or complete the DPD 2A.
 2. The initiating command officer or supervisor will ensure the return of any special / non-standardized equipment issued to the officer because of his/her current or prior assignments.
 3. The separating officer will complete the form where required and obtain signatures from each designated unit where equipment items are turned in (e.g., Uniform/Stationary Supply, TESU, EEB, Firearms, Operations Support, Safety Human Resources, etc.).
 4. Units receiving the equipment items will indicate that all items have been returned and/or any costs associated with items not returned for which the officer is responsible.
-

5. After relinquishing equipment to the appropriate unit and completion of the form, the officer will submit the completed form to the Safety Human Resources Division for final separation processing. The officer's final payout will not occur until this process is completed.

(5) RETIRED POLICE IDENTIFICATION:

Retired police identification will be issued to officers honorably separating after twenty (20) or more years of service and to those officers who have completed academy training and have later been forced to accept a disability retirement because of a line of duty injury. Officers with between ten (10) and twenty (20) years of service may request in writing the retired police identification card from the Chief of Police.

(6) RETENTION OF BADGES

Official police badges and identification of the department are the property of the Denver Police Department and remain so even after issue to members and retired members. It is the department's responsibility to ensure that only authorized persons can be in possession of these items.

- a. Only those separating officers who are entitled to retired police identification, as described in section (5), may be allowed to retain their official police breast and hat badges.
- b. Officers who are promoted to a higher rank may be allowed to retain their previously issued badge, subject to departmental approval and reimbursement of any departmental expense.
- c. Officers are authorized to obtain an additional badge or "flat badge" for use while in active service, subject to departmental approval and reimbursement of any departmental expense.
- d. All officers who are allowed to retain an official badge, whether issued or obtained, will be required to sign a Memorandum of Understanding (DPD 181), acknowledging that the badges are the sole property of the Denver Police Department, subject to immediate recall, and that they must be retained for the officers' exclusive use, and may not be sold, destroyed, traded, or disposed of in any way.

(7) UNDERCOVER OPERATOR'S LICENSE:

Any police officer whose assignment necessitates an undercover operator's license will obtain approval from the Chief of Police and the Director of the Colorado Bureau of Investigation. The Intelligence Section will administer this process. When the officer is reassigned to a unit that does not continuously engage in undercover work, or when for any reason the undercover identity is no longer needed, the undercover operator's license will be surrendered to the Intelligence Section for appropriate disposition with the Colorado State Motor Vehicle Division.

504.03 INVENTORY AND TRANSFER OF DEPARTMENT PROPERTY AND EQUIPMENT

(1) INVENTORY:

Each bureau, division, district, section, and unit will maintain an inventory of all city-owned property meeting the definition of capital, controlled, or tracked assets in accordance with Fiscal Rule 4.2. The Inventory Control Unit (ICU) of Operations Support Division will maintain a department wide inventory of these items for the Denver Police Department.

- a. Definitions under this rule are as follows:
 - Capital Assets: Assets, including personal property, land, buildings, improvements other than buildings, and infrastructure with a historical cost of \$5,000 or greater.
 - Controlled Assets: Assets, including personal property, land, buildings, improvements other than buildings, and infrastructure with a historical cost between \$2,500 and \$4,999.99 will be controlled.
-

- **Tracked Assets:** Items, with a value between \$500 and \$2,499, that do not meet the definition of either Capital or Controlled property.

In addition, each assignment will also maintain an inventory of those items deemed trackable by the Chief of Police that fall outside of the definitions above. All such items will be included in the supplied list of assets from the Inventory Control Unit during the annual physical audit. This will include the following categories of equipment:

1. Less lethal weapons and all department issued firearms
 2. Radar / LIDAR equipment
 3. Body Worn Camera equipment
 4. Police Tools (e.g. ballistic shield)
- b. The Inventory Control Unit (ICU) will be responsible for the oversight of an annual physical audit to be conducted each January of all assets described under section (1) a. As part of this audit, the Inventory Control Unit will provide each division/district with an updated list of division capital, controlled, and tracked assets to be inventoried. The division/district commander or their designee will conduct the audit and the results of this audit will be reported to and recorded by the Inventory Control Unit.
1. The inventory of desktop computer equipment and added components maintained by Technology Services, as described within the controlled or tracked assets definition will be the responsibility of Technology Services.
 2. The physical inventory of communications equipment (radios, mobile data terminals), as described within the controlled assets definition will be conducted by Technology Services personnel as part of the required yearly physical audit.
 3. The inventory of other electronics meeting the description of tracked or controlled assets will be conducted by the Inventory Control Unit, including laptops or other computing devices not maintained or supported by Technology Services.
- c. Small items or electronic devices not meeting any of the other above definitions, including portable audio recorders, may be issued directly to a member of the department or a unit. The ICU will maintain a record of this issuance. When a member is transferred to an assignment not requiring the use of the item, the member or a supervisor will return the item to the ICU. If the item is lost or stolen a GO report will be completed and a copy provided to the ICU.
- d. Any member who receives new property for the department through any means will ensure the ICU is notified of the item, so it may be properly categorized, recorded, and appropriately inventoried. This includes property purchased through grants, the Property Confiscation Fund, or donations.
- e. Cellular equipment will be issued to individual members based on assignment. Inventory for this asset will be verified using the equipment and phone number lists maintained by the ICU. A separate physical inventory of these phones is not necessary. The ICU will coordinate all transfers, upgrades, and exchanges of cellular and smart phones.

(2) COMMANDER RESPONSIBILITY:

It will be the responsibility of every commander to maintain this inventory and such maintenance will include:

- a. Determining the accuracy of the inventory when leaving a command. ICU will assist division/district commanders with the inventory when command changes, if requested.
 - b. Accepting the inventory upon assignment to a command.
-

- c. Making proper notification to the Inventory Control Unit by email when such items are transferred or received, including any surpluses, or items reported lost/stolen.

(3) INVENTORY CONTROL OFFICER:

Each division/district commander will appoint a command or supervisory officer to act as their respective Inventory Control Officer. This officer will be responsible for the day-to-day implementation of this function. The Inventory Control Officer will also act as the liaison to the Inventory Control Unit of the Operations Support Division.

- a. Inconsistencies in inventory (i.e., missing items or overages) will be brought to the attention of the division/district Inventory Control Officer to rectify or attempt to locate the property.
- b. The division/district Inventory Control Officer will complete a GO report (Lost/Stolen Property) when missing items cannot be located, after diligent search, or reconciled and forward to the Inventory Control Unit immediately.

(4) TRANSFER OR DISPOSAL OF PROPERTY:

Upon transfer or disposal of property, an email will be sent to the Inventory Control Unit via department email at "DPD Asset Management" for final reconciliation. For firearms please refer to OMS 504.04.

- a. The asset, barcode, or serial number will be provided along with the location it is being moved from, where it is being assigned to, or if it was reported lost. A copy of the GO report (Lost/Stolen Property) must be provided when reporting an item lost.

504.04 FIREARMS INVENTORY

(1) INVENTORY:

Each division/district will be responsible for maintaining an accurate inventory of all department owned firearms and less lethal munitions under their control.

(2) ANNUAL AUDIT:

The Firearms Unit is responsible for an annual physical audit of all firearms to be conducted each January.

- a. The Firearms Unit will be the central repository for all department owned weapons and will be responsible for maintaining a department wide inventory of all department owned firearms.
- b. It will be the responsibility of each division/district to make notification to the Firearms Unit of any addition, transfer or surplus (destruction) of a department owned firearm.
- c. The Firearms Unit will coordinate with the Inventory Control Unit to ensure that all records of department owned firearms are accurate and current.

504.05 BUILDING MAINTENANCE

(1) GENERAL REQUESTS:

All requests for building maintenance or alterations during normal business hours (M-F, 0700 to 1500hrs) will be directed to the Operations Support Division. These requests will be reviewed and approved by the Deputy Chief of Administration.

(2) EMERGENCY CALL OUT REQUESTS:

Incidents that actively affect the operations of any police facility may necessitate an emergency call out request (after hours). Examples include, a full loss of power and no operational backup generator, a water main break, flooding, etc.

- a. The affected police facility will notify Denver 911 and advise them of the request.

- b. Denver 911 will contact the Operations Support Division and advise them of the call out request.
- c. The Operations Support Division will contact the affected facility to verify the request, ensure all attempts to correct the incident have been taken, and determine if a call out is necessary.
- d. When necessary, the Operations Support Division will contact the appropriate facility response.

504.06 RETIRING DENVER POLICE OFFICERS – COLORADO AND FEDERAL CCW PERMITS

The following process addresses Denver police officers who are seeking a concealed carry weapon permit at the time of retirement (Colorado and Federal).

(1) COLORADO CARRY CONCEALED WEAPON (CCW) PERMIT – DPD COURTESY:

- a. A “courtesy” CCW permit is a one-time Colorado CCW permit issued to retiring Denver police officers in which the Executive Director of Safety waives the application fees.
 - b. Eligibility – retiring officers must:
 - 1. Have served the Denver Police Department continuously for 10 or more years or been granted a disability pension after completing probationary period.
 - During the retirement separation process the Safety Human Resource Division will inform retiring officers not meeting this requirement that they may provide justification for further consideration in a letter to the Chief of Police.
 - Following receipt of the letter, the Office of the Chief of Police will notify the Safety Human Resource Division of the Chief’s decision, which will in turn notify the retiring officer.
 - Approved requests for further consideration will then be processed in accordance with this policy, with final authority resting with the Executive Director of Safety.
 - Be leaving the department in good standing, defined as not under investigation or review for any complaint which if sustained would result in a suspension or termination, or the subject of a current or pending criminal investigation.
 - 2. Qualify under CRS §18-12-203 – Criteria for obtaining a permit.
 - 3. Have qualified during a regular course of fire with their firearm through the DPD Firearms Unit during the 12 months immediately preceding the date of their courtesy CCW application.
 - Officers who have not qualified during a regular course of fire within the preceding 12 months must successfully complete a single regular course of fire (current quarter) established by the Firearms Unit.
 - At the discretion of the Chief of Police, the Training Division’s course of fire for concealed weapons may be substituted for a quarterly qualification course.
 - c. Limitations
 - 1. Retiring officers who are not granted a “courtesy” CCW permit (fees waived) may apply for a standard State of Colorado CCW permit with the Concealed Weapons Registration Unit (CWRU) if they reside in the City and County of Denver and will be responsible for all applicable fees.
 - 2. Following retirement and issuance of a “courtesy” CCW permit, officers separated from the department for 5 or more years must apply for a Colorado CCW permit as prescribed by state law CRS §18-12-203 and will be responsible for all fees required in this process.
-

(2) FEDERAL CCW PERMIT – HR 218:

- a. A federal CCW permit is issued under Title 18 USC 926C. There is no federal “courtesy” permit and the associated fees are not waived.
- b. Eligibility
 1. As required by federal law, retiring officers must have served as a law enforcement officer an aggregate of 10 or more years, or been granted a disability pension after completing a probationary period.
 2. Applicants must meet the minimum eligibility qualifications of a retiring officer seeking a Colorado CCW permit (not including 10 years of continuous service with the Denver Police Department), qualify under Title 18 USC 926C, and not be prohibited by law from carrying a firearm.

(3) GENERAL SEQUENCE FOR OBTAINING A COLORADO AND FEDERAL CCW PERMIT:

- a. During the separation process the Safety Human Resource Division will assess a retiring officer’s eligibility based on years of service or disability, provide him/her with an application for a Colorado CCW permit, and a guide that summarizes steps to obtain a Federal CCW permit. Safety HR will also notify the Internal Affairs Division (IAD) of any additional potential disqualifying issues pertaining to a retiree.
 - b. The retiring officer will submit a completed application (Colorado and/or federal) to the Concealed Weapons Registration Unit of the Identification Section.
 - c. The Concealed Weapons Registration Unit (CWRU) will:
 1. Ensure the retiree’s application(s) is properly completed and processed. Incomplete or questionable applications will be returned to the Safety Human Resources Division.
 2. Ensure completion of a criminal background check when required, verify completion of firearms requirements, verify compliance with State and Federal law requirements, and forward the packet to the Internal Affairs Division for a disciplinary history review.
 3. Following approval by the Executive Director of Safety, enter CCW permits into Versadex.
 4. Process approved CCW applications and notify the retiring officer when the CCW is ready for issuance.
 5. Non-DPD retired officers seeking a Federal CCW permit from CWRU must live in the City and County of Denver and are responsible for providing proof of eligibility from the agency from which they separated.
 - d. The Internal Affairs Division will complete a disciplinary history review and forward the completed packet to the Executive Director of Safety.
 1. An IAD command officer (or designee) will review the retiring officer’s history to determine if he/she is the subject of:
 - A pending internal and/or criminal investigation.
 - An open case in the Conduct Review Division.
 - Separation due to disciplinary or fitness for duty issues.
 - Any other issues that would potentially disqualify the applicant from a State of Colorado and/or Federal CCW permit.
-

- Determine if the retiring officer is leaving the department in good standing, defined as not under investigation or review for any complaint which if sustained would result in a suspension or termination.
 - 2. Potential disqualifiers:
 - Resigning in lieu of termination.
 - Any pending IAD investigation or discipline review which if sustained would result in suspension or termination.
 - Any fitness for duty evaluations which indicate mental health concerns, or substance abuse issues.
 - Any issue that by law would prohibit the person from possessing a firearm.
 - 3. An IAD command officer (or designee) will notify the Executive Director of Safety of their review findings and provide supporting documentation.
 - e. The Executive Director of Safety (or designee) will review application packets and approve or deny the request(s) based on the background information provided.
 - 1. If the permit(s) is denied, a letter stating the reason will be included in the file and will also be sent to the retiring officer by the Executive Director of Safety's Office.
 - 2. Following review, the Executive Director of Safety (or designee) will return permit packets to the Identification Section.
 - f. The Concealed Weapons Registration Unit will notify retiring officers of approved requests.
 - g. Additional steps may be required depending on circumstances.
- (4) RETIREE FIREARMS QUALIFICATION:**
- a. It is the retiree's responsibility to ensure they qualify for any subsequent renewals of the CCW permit, including completion of a qualification course established by the Firearms Unit.
 - b. The Firearms Unit will schedule and conduct qualifications for retired officers seeking to renew a federal or Colorado permit.
-

505.00 - PERSONNEL ISSUES AND PROCEDURES

505.01 Days Off

- (1) The Denver Police Department work year shall consist of thirteen (13) twenty-eight (28) day periods. A work week begins on Sunday at 0001 hours and ends on Saturday at 2400 hours.
 - a. Officers shall be credited with attendance for the calendar day on which they report for duty.
- (2) In the event that the department adopts a fourteenth (14th) period during any calendar year, officers working eight-hour (8-hour) shifts shall receive an additional two (2) regular days off, and officers working ten-hour (10-hour) shifts shall receive an additional three (3) regular days off.
- (3) Shift changes and transfers will take place on the first (1st) or fifteenth (15th) day of a work period, unless special circumstances require immediate changes.
 - a. Shift assignment and regular days off shall be granted at the discretion of the Unit Commander.
 - b. Shift length shall be determined by the Chief of Police.
- (4) The shift length shall remain the same throughout an entire work period.
 - a. During each work period, the normal work cycle shall be one hundred sixty (160) hours, inclusive of authorized leave time. During each work period, officer working eight-hour (8-hour) shifts shall receive eight (8) regular days off and officer working ten-hour (10-hour) shifts shall receive twelve (12) regular days off.
 1. All officers receive eight (8) hours off each year for their birthdays, scheduling of which is subject to the approval of their commanding officer based on staffing needs.
 2. The time off taken will be marked on the TeleStaff calendar with the work code Birthday.
 3. All Saved Holiday time must be used before November 30th of the same calendar year or the time will be lost.
 4. Birthday or Saved Holiday taken off will be recorded on the TeleStaff calendar with the correct work code.
 - b. When submitting day off requests prior to the work period in which a holiday falls, officers who have not elected one or more of the holidays off in a block must declare a preference of pay or time for the upcoming holiday. When two (2) holidays fall within a work period, they may be split. An officer may elect pay for one (1), and time for the other.
 1. An officer who elects time will be entitled to eight (8) additional hours off during the work period, or sixteen (16) additional hours off in work periods in which there are two (2) holidays. These will be voted by seniority as regular days off.
 2. Officers, who request pay and work the actual holiday, will receive the holiday pay, as well as premium pay for actual the hours worked on the holiday.
 - c. Posting of Days Off
 1. The days off schedule, including shift assignment hours, must be signed and posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule will be signed by the commanding officer or designee and the date and time of the posting shall be noted. The schedule shall be posted in a location within the unit of command where it may be viewed by officers assigned to that duty location.

2. An officer's normal shift is established upon official notification of posting of days off. An officer whose shift is changed after notification may be entitled to premium pay overtime except in emergency circumstances, as specified in Article 19, Change of Shift, of the Collective Bargaining Agreement. "An emergency under article 19.3 shall be defined as an unexpected urgent circumstance the prevention of which could not have been reasonably foreseen. The circumstances of the emergency will be brought to the attention of the appropriate Division Chief by the Commanding officer of the District, Bureau or Unit involved as soon as possible after the circumstance becomes evident. The nature of the emergency and those officers affected by the scheduling change will be documented in writing and forwarded via the Chain of Command to the appropriate Deputy Chief for review. The Chief of Police or the Deputy Chief has the authority to grant the emergency exception and still authorize pay or comp time as provided in Article 19.3 at their discretion."
 - a. Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).
 - b. In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one half (1½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.
 - c. Officers shall not be entitled to overtime pay for changes in days off unless it falls within the provision of Article 15, of the Collective Bargaining Agreement, and less than eight (8) hours of relief is provided between shifts.
 - d. A letter from the supervisor/commander who changed the shift shall be forwarded through the chain of command to Payroll outlining the reason for the change of shift, if the officer requests cash payment.
- (5) Hours worked in excess of one hundred seventy-one (171) in a work period must be considered overtime in accordance with FLSA. It shall be incumbent upon commanders to arrange for compensatory time off for officers who are approaching the one hundred seventy-one (171) hour limit, prior to the end of each work period.
- (6) Vacation, Accumulated Sick Leave, Sick, Injured, and Line of Duty Injury are considered as working time and shall be reflected on the Attendance Records with the appropriate designations.
- (7) All Sick, Injury in the Line of Duty, and Injury Not in the Line of Duty shall be carried on the Attendance Records with the appropriate designations. For officers on limited duty, who are working less than an eight (8) hour shift see OMS 502.02(7).
- (8) Suspensions, without pay, are non-working time and will be reflected in the Attendance Record.
 - a. Periods of suspension will be identified in the Attendance Record and notation made in the comments to explain any days off forfeited.
 - b. Commanders will consult with the Human Resource Management Bureau to determine the number of regular days off allowed during the suspension period.
- (9) On-Call Requirements - All police officers, regardless of rank or appointed position, that are placed in compensated on-call status must be readily available to respond. It is the officer's responsibility to provide a phone number that they will immediately respond to while in on-call status. On-call status requires the officer to respond within sixty (60) minutes of receiving the phone call.
 - a. When in an on-call status, officers ***must log each call received*** on log sheet, *DPD CBA 27.4 On-Call Activity Log*. Officers will use one log sheet per work period and will turn the completed log sheet into his/her supervisor at the end of the period, prior to the first Wednesday of the new period.
 1. The supervisor will review the log sheet, ensuring its accuracy, prior to giving it to a command officer for entry into TeleStaff.
 2. The On-Call Activity Log will be retained as identified in OMS 109.05(6).

- b. Officers in a compensated on-call status will go off on-call status and on to call back status for purposes of compensation when the officer must respond out to a location. The officer will return to compensated on-call status as scheduled, when call back time is completed. ***The officer cannot be compensated for both on-call status and back out status simultaneously.***
- c. Scheduled Disciplinary Action - Officers placed in on-call status by the Chief or his/her designee and who receive compensation for on-call status must respond to a call for duty. Officers who fail to respond to a call for duty are subject to discipline as follows:
 1. 1st Offense (within 12 months): Written Reprimand
 2. 2nd Offense (within 12 months): Fine of 8 hours (1 day)
 3. 3rd Offense (within 12 months): Chronic Offender (violations will be dealt with more severely within the Disciplinary Matrix)

505.02 Vacation

- (1) Officers hired on or after January 1, 1996, shall accrue vacation as follows:

Length of Employment	Annual Leave Hours Accrued Each Year of Regular Time Worked
a. 1 st through 4 th year.....	112 hours
b. 5 th through 9 th year	136 hours
c. 10 th through 14 th year	144 hours
d. 15 th through 19 th year	168 hours
e. 20 th through 24 th year	184 hours
f. 25 th year and thereafter	200 hours

Officers hired prior to January 1, 1996, shall accrue vacation as follows:

Length of Employment	Annual Leave Hours Accrued Each Year of Regular Time Worked
a. 1 st through 10 th year	144 hours
b. 11 th through 19 th year	168 hours
c. 20 th through 24 th year	184 hours
d. 25 th year and thereafter	200 hours

- (2) Vacation shall be accrued for each month of service, prorated on the above schedule.
- (3) Subject to the limitations of 9.3.1 vacation time must be used in the calendar year in which it is received except that an officer may carry over up to one-hundred forty-four (144) hours of vacation time to be used subsequent to the time of accrual.
 - a. Officers shall not be entitled to use accrued vacation time during the calendar year of their year of hire. Exceptions may be made by the Chief of Police.
- (4) Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer's estate. Payment due under this article shall be made within sixty (60) days of the date of the officer's separation from the department or within sixty (60) days from the officer's death or the appointment of a personal representative on behalf of the officer's estate.
- (5) Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.

- (6) Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by the work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of a work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hour shifts shall use five (5) regular days off and officers working eight (8) hour shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer's period of vacation subject to the needs of the department and the Chief's discretion.
- (7) Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the Commander.
- (8) Transfers after vacation voting:
 - a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.
 - b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.
- (9) In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen (15) days is available, the commanding officer shall post notice of such available time as soon as practicable following the date of availability until commencement. Such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.
- (10) Except in an emergency under procedures determined by the Chief of Police, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.
- (11) The use of vacation time shall be voted by seniority as follows:
 - a. Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointed positions of Detective, Corporal, and Technician are not Civil Service ranks therefore, for voting purposes they will be treated as a Police Officer. Division chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.

505.03 Overtime

- (1) All officers up to and including the rank of Lieutenant shall be paid at the overtime rate of time and one-half ($\frac{1}{2}$) of the officer's base rate for all hours worked in excess of their daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) in the work period. Captains shall be compensated for all hours worked in excess of their daily work shift at the normal rate.
- (2) All overtime will be reported on Officer's Overtime Authorization/Accumulated Time Returned, DPD 154, according to the provisions in OMS 109.02(2), DPD 154.
 - a. The form shall indicate the exact date and times during which the overtime was worked and a clear description of the reason for the overtime.
 - b. The form shall include the complete rank, signature, and serial number of the superior officer verifying the overtime.

- (3) Command officers shall ensure that a compensatory time record for every officer assigned to their command resides on a Department server designated by Technology Services (TS). Compensatory time records will not be maintained on the hard drive of any personal computer.
- a. Security disks that are required for data entry or modification of compensatory time records will be stored in a secure location that is only accessible by the command officer responsible for approval and entry of compensatory time.
 - b. Command officers, with the rank of lieutenant or above, shall be the only officers authorized to enter compensatory time records into the computer system. All entries shall include the badge number of the command officer entering the information.
 - c. Compensatory time for command officers shall be approved and entered by their superior officer.
 - d. A summary indicating the compensatory time balance for each officer will be printed and forwarded to the Human Resource Management Bureau along with the Attendance Record following the completion of each Work Period.
 - e. Command officers will regularly compare the compensatory records, Attendance Records, and Secondary Employment information of officers under their command for any apparent conflicts or violations.
- (4) Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative, or enforcement duties.
- (5) When an officer is assigned to work overtime, and where such overtime work is mandatory, the officer working the overtime may elect to be compensated in cash payment or compensatory time. The officer shall fill out DPD 154, and designate either cash payment or compensatory time. Supervisors shall follow the distribution instructions on DPD 154 for distribution of the form.
- a. After working overtime, the officer must designate, on DPD 154, whether compensation is to be returned in time or pay. Supervisors shall follow the distribution instructions printed on the bottom of the form.
 - b. Officer's Overtime Authorization/Accumulated Time Returned, DPD 154, being forwarded to Payroll, Financial Services Bureau, for payment must be received within thirty (30) days, but must first be forwarded through the District/Bureau Commander.
 - c. The maximum amount of compensatory time that can be accrued by an officer is eighty (80) hours. Exceptions may be granted by the officer's Division Chief. In the absence of approved exceptions, any overtime worked after an officer has accumulated eighty (80) hours of compensatory time must be compensated in pay.
 - d. Upon request of the officer, compensatory time may be used within a reasonable period after making the request, with the approval of the officer's commanding officer. Pre-approved vacations take precedence over requests to use compensatory time.
 - e. Officers on limited duty shall not be allowed to work overtime without prior approval of the Chief of Police.
 - f. Use of compensatory time will not be granted to any individual officer on a regularly scheduled basis for any purpose, including working Secondary Employment. See OMS 114.01.
 1. When the operational needs of the Department are not jeopardized, and when staffing permits, officers may seek prior written approval from their command officer to use compensatory time to work Secondary Employment. In such situations, commanders must document the nature of the circumstance on an Inter-Department Correspondence, DPD 200, and forward their justification to their Division Chief for review. The Division Chief will then forward the approved request to the Secondary Employment Unit for filing.
 2. When deciding to grant the use of compensatory time, command officers must adhere to the policy and principal that the officer's on-duty responsibilities have been met. Command officers must continually review the records of officer's under their command to ensure that during periods in which compensatory time has been granted, overtime was not routinely necessary to complete non-emergency duties.

3. No detail shall go below minimum staffing levels to accommodate an officer working Secondary Employment. See OMS 114.04(9)
- (6) CALL BACK: Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's regular shift and within two (2) hours of the officer's next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and two (2) or more hours prior to the officer's next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer's work assignment begins.
- a. An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.
 - b. Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid for two (2) hours at the officer's regular rate of pay or the actual time worked at the officer's regular rate of pay, whichever is greater.
 - c. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately report when the officer's work assignment begins.
- (7) Time worked in excess of one hundred seventy-one (171) hours in a Work Period is defined as overtime by the Fair Labor Standards Act and must be compensated in cash payment unless the officer has previously signed a waiver requesting compensatory time instead of cash payment.
- a. The waiver must be signed and sent to Human Resource Management Bureau before the time is worked in order to be effective.
- (8) Compensation for off-duty court appearances will be according to the provisions set forth in OMS 103.02(5). DPD 154 shall be turned in immediately upon the officer's return to duty.
- (9) Functions which will not be considered overtime will include court resulting from a non-police action, athletic events or programs, medical attention for work-related injuries and off-duty activities.
- (10) Actual overtime worked is to be converted to time and one-half to the nearest 1/10th hour using the overtime conversion chart available from the Human Resource Management Bureau.
- (11) There will be no negative reporting.
- (12) Whenever an officer separates from the department, a printout of an officer's Compensatory Time Record, DPD 156, will be forwarded to the Human Resource Management Bureau.
- (13) Change of Shift and Cancellation of Days Off
- a. Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).
 - b. The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.

- c. Except in an emergency under procedures determined by the Chief, anytime the posted schedule of days off is ordered changed by the commanding officer within seven (7) days of the date of an officer's scheduled day off, the officer(s) affected by the change shall receive four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted hours of a shift are changed within three (3) days of the commencement of the shift, the officer(s) affected by the change shall receive two (2) hours of compensatory time. The determination of an emergency situation shall not be subject to grievance or arbitration.
- d. In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one-half (1 ½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.
- e. Command Officers scheduling shift changes for their personnel shall be mindful of this requirement and of the need for their personnel to be afforded appropriate rest time before reporting for a new shift and shall, whenever possible, schedule time off in such a manner as to eliminate the need for officers to report back prematurely.

505.04 Sick Leave

- (1) Officers shall accrue Sick Leave at the rate of twelve (12) hours each month.
 - a. Officers working an eight-hour (8) shift will have eight (8) hours subtracted from their sick bank. Officers working a ten-hour (10) shift will have ten (10) hours subtracted from their sick bank. The Sick work code is to be entered into TeleStaff by the officer's supervisor.
 - b. Days accrued in excess of a ninety (90) day bank will be taken annually as additional vacation time or compensated by salary payment at the discretion of the Chief of Police. This time is called Accumulated Sick Leave (ASL).
 - c. The maximum amount of Accumulated Sick Leave to be compensated in any one year is eighteen (18) days in excess of the ninety (90) day bank.
 - d. Accumulated Sick Leave shall be granted on the basis of seniority in rank and will be voted in the officer's district or assignment. ASL voting will take place after all vacations have been voted.
 - e. Upon termination of employment, the officer shall receive cash payment in full at the officer's regular rate of pay for all accumulated sick leave due.
 - f. Upon the death of an officer, cash compensation for all accumulated sick leave, as well as accumulated vacation leave, compensatory time, and other benefits, will be paid to the officer's surviving spouse or, if there is no spouse, to the officer's surviving children or, if there is no child, to the officer's estate.

505.05 Responsibility of Human Resource Management Bureau

- (1) The Human Resource Management Bureau shall be responsible for providing a departmental accounting system, adequate procedures and controls, and permanent records to maintain administrative control over overtime and leave records.

505.06 Military Absence

- (1) Officers who are absent from work for military service in one of the uniformed services and who are otherwise eligible under the Uniformed Services Employment and Reemployment Rights Act ("USERRA") shall be granted leaves of absence for such military service.
 - a. Officers shall give the Department advance written or verbal notice of an absence due to military service. Written orders shall be forwarded to the Human Resource Management Bureau.
 - b. Officers shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120) hours, of paid military leave each calendar year.

- c. Any officer who remains in military service beyond the time for which paid military leave is allowed shall be placed on military leave without pay. However, an officer may elect to use any accrued leave, in lieu of unpaid leave, for all or any portion of the officer's absence due to military service.
- (2) Officers absent on military leave for less than thirty-one (31) days are entitled to continued health and dental insurance coverage as provided by this Agreement. Officers who serve more than thirty (30) days in the military may elect continued health and dental insurance coverage for themselves and their dependents, at their own expense.
 - a. The first pay period following the first 30 days of leave without pay, the officer can elect to remain enrolled in the insurance through COBRA. The COBRA rate is the officer's premium, the City's premium, plus a 2% administrative fee.
- (3) While on paid military leave, an officer's seniority and eligibility for pay increases and vacation and sick leave accrual shall not be affected. While on any unpaid military leave, an officer's seniority will not be affected.
- (4) During the term of this Agreement, officers shall receive military pay or benefits currently provided by D.R.M.C 18-164 or, subsequent to the expiration of said ordinance, in accordance with and at the level provided to any Civil Service or Career Service employee in any ordinance subsequently enacted in lieu or, to replace, or to supplement D.R.M.C 18-164. In the event D.R.M.C 18-164 expires and is not subsequently re-enacted, the level of benefits therein contained shall continue during the term of this Agreement.
- (5) Military days will appear on the officer's calendar in TeleStaff when the officer was originally scheduled to work.
- (6) For extended periods of absence, refer to OMS 505.08(5)b.
- (7) Refer to OMS 505.08(3)b.5. for Family and Medical Leave Military Exigency Leave Information.
- (8) Sick and vacation time will not accrue during the extended leave of absence unless the officer elects to use a minimum of 15 days of accrued leave per month.
- (9) Upon returning from extended military leave:
 - a. The officer should schedule a meeting with Human Resources to reinstate benefits.
 - b. The officer will supply HRMB with a DD214 or a letter of release from active duty from his commanding officer.
 - c. If the officer canceled benefits while on military leave and returns, the officer has 31 days to re-enroll in the City's benefits.
 - d. HRMB will provide the officer with the Extended Leave Questionnaire and instruct the officer to return the completed form to the Limited Duty Section. (see 505.08 (5)b.)

505.07 Applications for Leave

- (1) All applications for sick leave, vacations, accumulated sick leave, military leave, or leave of absence shall originate in the unit where the officer is assigned.
- (2) When Attendance Records are submitted to the Human Resource Management Bureau, every notation of sick leave, vacation, accumulated sick leave, military leave, or leave of absence taken must be accompanied by a Leave Report accounting for such leave.
- (3) Application for leave shall be reported on the appropriate form, DPD 148 or DPD 148A.
 - a. Vacation, Military Leave, Accumulated Sick Leave, Leave of Absence - The original copy of the Vacation - Sick Leave Request, DPD 148A, shall be attached to the Attendance Record for the Work Period during which the leave was taken. In cases where leave spans two or more work Periods, the Leave Report shall be attached to the Attendance Record for the Work Period during which the leave began.

- b. Sick Leave - For sick leave, off-duty injury, family medical leave, and absent without leave (AWOL), the Absence Report, DPD 148, will be attached to the Attendance Record for the Work Period in which the leave was used. A copy of the Absence Report will be provided to the officer. If the use of sick leave spans two or more Work Periods, a separate Absence Report must be completed for each Work Period, indicating the number of sick leave days taken in that work period, and attached to the appropriate Attendance Record. The nature of the illness or injury shall be specified on the Absence Report only in the case of line of duty injuries.
 - c. Line of Duty Injury - Refer to OMS 505.08 to 505.12.
- (4) The effective date on the Absence Report will be the actual date the officer was absent.
 - (5) Return to duty date will be the date the officer physically reports for the first tour of duty.
 - (6) Any officer who is on leave without pay, including suspension, for more than fifteen (15) days of a calendar month shall not accrue vacation time or sick leave for that calendar month. In addition, officers shall not accrue days off proportionate to the number of days of leave without pay. The Human Resource Management Bureau should be contacted regarding the number of regular days off to be forfeited.

505.08 Use of Sick Leave, Leave of Absence

- (1) Statement of intent: The purpose of this OMS is to allow officers to achieve a balance between family responsibilities and work demands. Although the guidelines for use of sick leave have been broadened, each officer must recognize that the responsibility of the Denver Police Department is to provide a continuous high level of service to the public. Commanders, when granting such leave, shall insure that the police mission is not jeopardized.
- (2) Use of Sick Leave
 - a. Officers using sick leave shall notify or have their commanding officers notified at least one (1) hour before the officer's reporting time, except that officers requesting leave for foreseeable medical treatment shall make such request at least thirty (30) days in advance, if possible.
 - b. Officers who are absent for personal illness, injury, or to care for an immediate family member shall contact their unit commanders at three-day (3) intervals to report condition and progress of recovery, unless hospitalized.
 - 1. In the event that an officer is absent, due to personal illness, injury, or to care for an immediate family member, for more than three (3) days, the commanding officer shall notify the Human Resource Management Bureau.
 - 2. Officers who are absent, due to personal illness, injury, or to care for an immediate family member, shall not leave the Denver metropolitan area without prior approval from their commanding officer.
 - c. Confirmation of Illness/Injury
 - 1. Officers who are absent for personal illness, injury, or to care for an immediate family member, may be required to furnish a statement signed by an attending physician, or other proof of such illness satisfactory to their commanding officer. Such statement shall confirm that the officer's absence from duty was medically necessary.
 - 2. Officers requesting leave under the provisions of the Family and Medical Leave Act may be required to provide certification of the illness or injury. This certification may include information from a physician stating the date the condition commenced, the probable duration of the condition, appropriate medical facts concerning the condition, and, when care is for a family member, the need to have the employee assist in that care and the estimated duration of the need.
 - 3. If malingering is suspected, the commanding officer shall visit or have a supervisor visit the officer at the earliest reasonable time, during the hours of the reporting officer's normal duty hours, to verify the authenticity of the illness, injury, or for the care of an immediate family member.

4. Whenever the officer's commander believes that a physical examination is necessary to determine the condition of an officer who is off duty due to personal illness or injury; the officer shall submit to a physical examination as directed by the Department under the provisions set forth in OMS RR-1107. Officers who are off duty due to illness or injury shall authorize the attending physician to release information regarding their condition and ability to perform their duties to the Chief of Police.

(3) Family and Medical Leave Act of 1993

- a. In addition to using sick leave when an officer is incapacitated by sickness or injury, the Family and Medical Leave Act of 1993 (FMLA) allows sick leave to be used for parental leave or for necessary care and attendance during the serious illness of a member of the officer's immediate family.
- b. Definitions:
 1. Immediate Family: An employee's spouse, children (son or daughter), and parents are immediate family members for purposes of FMLA. The terms son or daughter do not include individuals age 18 or over unless they are "incapable of self-care" because of a mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).
 2. Serious Illness is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
 3. Parental Leave is defined as leave for a birth or placement for adoption or foster care.
 4. Military Exigency Leave allows an employee who has a spouse, son or daughter, or parent in the National Guard or Reserves to take FMLA leave due to a qualifying exigency resulting from the covered family member's active military duty (or call to active duty status) in support of a contingency operation. It is part of regular FMLA leave, and the maximum amount of leave is 12 weeks during the employer's designated 12-month FMLA leave year (excluding military caregiver leave).
 - a. Qualifying Exigency includes any one or more of the following non- medical, non- routine activities and no others
 1. Short-notice deployment activities
 2. Military events and related activities
 3. Child care and school activities
 4. Financial and legal arrangements
 5. Counseling activities
 5. Rest and recuperation activities
 6. Post-deployment activities
 7. Additional activities
 5. Caregiver Leave allows an employee who is the spouse, son or daughter, parent, or next of kin of a service member in the Regular Armed Forces, National Guard or Reserves (who has incurred a serious injury or illness in the line of duty while on active duty) to take FMLA leave to care for the service member.
 1. Maximum amount of leave is 26 weeks in a single 12-month period on a per-covered service member, per-injury/illness basis, measured forward from the date an employee first takes caregiver leave.
 2. During that single 12-month period, caregiver leave is combined with regular FMLA leave and the total cannot exceed 26 weeks.
- c. The provisions of this Act applies to officers who have completed twelve (12) months of continuous service and have completed 1,250 hours of work within the previous twelve (12) months.

- d. The amount of sick leave granted for parental leave or for necessary care of a sick member of an employee's immediate family shall not exceed twelve (12) weeks per twelve-month (12) period without approval of the officer's commanding officer and the Chief of Police.
- e. Up to twelve (12) weeks of parental leave may be granted to care for a child at the time of birth or adoption.
- f. Officers who are married to each other are limited to a combined total of twelve (12) weeks taken for reasons other than personal illness, including parental leave.
- g. In all but emergency cases, officers requesting Family and Medical Leave shall contact the Human Resource Management Bureau at least thirty (30) days in advance so that the eligibility process can begin.
- h. Human Resource Management Bureau personnel will determine if the officer meets the eligibility requirements. See OMS 505.08(3)c.
 - 1. Officers who are not eligible for Family and Medical Leave will be notified in writing and will be advised to seek other leave type options.
 - 2. Human Resource Management Bureau will review the request and if approved, will forward an approval letter to the officer and the officer's commander.
 - 3. Officers who are approved for Family and Medical Leave will document if they want paid or unpaid FML time on the FML paperwork.
 - 4. Human Resource Management Bureau will contact the officer to establish a calendar and discuss leave options. Human Resource Management Bureau will enter the FML in the officer's calendar in TeleStaff.
- i. Officers requesting leave under the provisions of the Family and Medical Leave Act have the option of using unpaid leave in lieu of paid leave.
 - 1. When paid leave is elected, officers may designate the type of leave to be used.
 - 2. Officers who require more than twelve (12) weeks, or who do not have a sufficient sick leave, vacation time, compensatory time, or saved time may:
 - a. Apply to the Chief of Police for donated sick time. See OMS 505.14.
 - b. Petition the Chief of Police for a leave of absence without pay not to exceed one (1) month.
 - c. Petition the Civil Service Commission, through the chain of command, for a leave of absence without pay for longer than one (1) month. See OMS 505.05 and 505.14.
- j. Officers on leave under Family and Medical Leave for an extended period of absence may apply to the Chief of Police for a reduced or intermittent work schedule, i.e., a leave schedule that reduces the officer's usual number of hours per week, or hours per day. The Chief of Police may require the officer to transfer to another assignment to better accommodate the reduced work schedule.
- k. Officers on Family and Medical Leave are not permitted to perform any Secondary Employment or Non-Police Secondary Employment Work, without written authority from the Chief of Police. The authorization must be provided and kept on file in the Secondary Employment office.
- l. Officers using extended leave under the provisions of the Family and Medical Leave Act will return to work at their same position or equivalent.
- m. Return to work process:
 - 1. Prior to returning to work, if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer is able to perform the essential functions of his or her position. Officers will not be allowed to return to work until the Human Resource Management Bureau receives the Fitness for Duty Pass.
 - 2. Officers are required to complete any missed firearms qualification or required weapons certifications and achieve a passing score on the course of fire specified by the Firearms Bureau, prior to, but no later than thirty (30) days after their return from

Family and Medical Leave.

3. Any officer who missed two or more firearms qualifications while on Extended Leave will attend Remedial Training if the officer fails to qualify upon their return.
4. Officers are required to contact the Training Bureau to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.

(4) *Parental Involvement in K-12 Education Act – deleted (expired 9-1-15)*

(5) Extended Periods of Absence

- a. Non-disciplinary leaves of absence may be granted to members of the Police Department by the Chief of Police or a designee, at the sole discretion of the Chief or designee, for a period not to exceed, except as required by federal or state law, one (1) year. All such leaves of absence shall be without pay unless: (a) the leave qualifies as FLMA leave and the member has accrued vacation leave, sick leave, accumulated sick leave, compensation time, saved vacation, or save holiday which the member chooses, in writing, to apply to the leave or (b) if the leave does not qualify as FMLA leave, the member may use accrued vacation leave or sick leave provided the member requests, in writing, to use such leave, and such leave is approved, in writing, by the Chief of Police. Except for paid leave, and as otherwise required by law, leaves of absence shall not count toward longevity or seniority in sick and vacation time will not accrue during the extended absence unless the officer elects to use a minimum of 15 days of accrued leave per month. See OMS Appendix A - CBA Article 14, Leave of Absence.

1. To be eligible for an extended leave of absence, the member must have completed at least five (5) years of continuous service. Exceptions may be made by the Chief of Police.
2. The officer must complete the Leave of Absence Request Form which can be obtained through HR. The officer must then complete the form, obtain signatures through the chain of command, and then submit the form to HR.
3. If the request for leave of absence is denied, the reason for denial shall be provided to the officer in writing.

- b. All extended periods of absence, including personal FMLA and disciplinary, shall be subject to the following provisions:

1. While on extended absence, all members of the classified service shall be held by the Chief of Police to the standard of conduct expected of an active member regardless of the length of absence.
2. The Human Resource Management Bureau will provide the officer with the Extended Leave Questionnaire (DPD 713) when the officer initiates contact to reinstate benefits and return to work. The Extended Leave Questionnaire must be completed prior to returning to work. The completed form will be given to the Limited Duty Section for review, and if necessary, scheduling of exams.
3. No member of the department who has been continuously absent for ninety (90) consecutive days or more shall be permitted to return to work until the reason for the extended period of absence and the responses to the Extended Leave Questionnaire are reviewed to determine if a Fitness for Duty evaluation is required.

Officers returning to work from FMLA leave must comply with the above section but are excluded from a Fitness for Duty evaluation. Officers returning from FMLA leave must submit a return to work pass, or if the officer is out for a personal illness or injury, officers must submit a Fitness for Duty Pass from their health-care provider. The pass verifies that the officer is able to perform the essential functions of his or her position. Officers will not be allowed to return to work until the Human Resource Management Bureau receives the pass, or a Fitness for Duty evaluation will be required. (see OMS Section 505.08(3)m.)

4. A Fitness for Duty examination may include: a medical/physical examination; a psychological examination; a background investigation; and/or a polygraph examination; as determined by the Limited Duty Section. The Limited Duty Section will consult with the Commander of the Internal Affairs Division on officers returning from

disciplinary suspensions or if otherwise necessary. A drug and alcohol screen is mandatory for all returning officers and will be scheduled by the Limited Duty Section.

5. The Limited Duty Section sergeant will complete the Review of Extended Leave Questionnaire (DPD713a). Once the form is complete and includes the findings of any required exams the entire packet will be brought to the Office of the Chief of Police for the chief, or his designee, to review for consideration of fitness for duty. The chief or designee will sign off authorizing the officer to return to full duty, modified duty or provide further instructions.
6. Any officer who missed two or more firearms qualifications while on Extended Leave will attend Remedial Training if the officer fails to qualify upon their return.
7. Officers are required to contact the Training Bureau to schedule and make up any department mandated training that was instituted or provided during the time the officer was on leave.
8. Officers assigned to the Patrol Division may be assigned to work with a Field Training Officer for a period of time, at the discretion of their commanding officer.
9. Officers who are on extended periods of absence for personal or disciplinary reasons, other than FMLA eligible leave, may elect to continue benefits.

- a. First 30 days of leave without pay: The officer is responsible for only the employee portion of the insurance premiums.
- b. First pay period following the 31st day of leave without pay: The officer may remain enrolled in the benefit plans, however, the officer is then required to pay both the employee and the employer portion of the insurance premiums.
- c. Insurance premium payments during leave without pay must be made directly to payroll in order to avoid loss of coverage.

NOTE: During FMLA protected leave, officers are responsible for only the employee portion of the benefit premiums for the duration of the approved leave (not to exceed 90 consecutive days off).

505.09 Medical/Modified Leave Section

- (1) Duties of the Safety Coordinator will include, but not be limited to;
 - a. The Safety Coordinator will monitor all officers in a medical leave or modified duty capacity. When there is any question regarding an officer's medical status, the Safety Coordinator will direct the officer to provide a current medical report from the authorized treating physician addressing physical restrictions.
 - b. The Safety Coordinator will continually monitor officers on Medical Leave/Modified Duty to ensure that the officers are returned to full duty assignments at the earliest date that is medically authorized.
- (2) Officers on Medical Leave, or Modified Duty
 - a. **Medical Leave** – for officers who sustain injuries, illnesses, or for those who are pregnant and who are expected to be off work for more than five (5) days.
 1. All TeleStaff attendance records will be kept by their supervisors at their present assignment. The Safety Coordinator will monitor the officer's schedule through TeleStaff.
 - a. If the leave is for a Line of Duty injury, the supervisors will choose Workers' Comp (W/C) as the work code in TeleStaff.
 - b. If the leave is for a Non Line-of-Duty Injury/Illness, the supervisor will choose the Sick work code in TeleStaff, or the appropriate code if on Family Medical Leave.
 - c. In the notes field, please add the date of injury as well as whether the injury/illness was a line-of-duty (LOD) or non line-of-duty (Non LOD)

2. Officers on medical leave will not perform Secondary Employment Police Work or Non-Police Work unless receiving prior written authorization to do so by the Chief of Police.
 - a. Only Secondary Employment that does not violate the physical restrictions provided by the authorized treating physician providing primary care in a workers' compensation case will be considered for prior written authorization by the Chief of Police.
 - b. The written authorization must be provided and kept on file in the Secondary Employment Office.
 3. If an officer is unable to complete quarterly qualification at the range and they had time to qualify prior to the injury/illness, they shall submit a letter documenting the reason why they have not qualified. This letter must then be submitted to the Safety Coordinator.
- b. **Modified Duty** – for officers who sustain on-the-job or off-the-job injuries, illnesses, or are pregnant and will be in a temporary modified duty for any period of time.
1. All modified duty shall be offered to the officer in compliance with state law pursuant to the City and County of Denver modified duty policy. Any modified duty established for an officer at his/her present assignment shall be reported to the Safety Coordinator as soon as reasonably possible.
 2. All attendance records will be kept by their supervisors at their present assignment or temporary assignment if moved. The Safety Coordinator will monitor the officer's schedule through TeleStaff.
 - a. If Line of Duty injury/illness and the officer is working reduced hours, supervisors will choose the Modified Duty work code for the hours worked and Workers' Comp (W/C) as the work code for the appropriate time the officer was off work.
 - b. If Non Line-of-Duty Injury/Illness and the officer is working reduced hours, the day shall be carried on the attendance sheet with the work code of Modified Duty for the hours worked and Sick or the appropriate code if on FMLA for time the officer was off work.
 - c. In the notes field, please add the date of injury as well as whether the injury/illness was a line-of-duty (LOD) or non line-of-duty (Non LOD).
 3. Officers on modified duty will not perform Secondary Employment Police Work or Non-Police Work unless receiving prior written authorization to do so by the Chief of Police.
 - a. Only Secondary Employment that does not violate the physical restrictions provided by the authorized treating physician providing primary care in a workers' compensation case will be considered for prior written authorization by the Chief of Police.
 - b. The written authorization must be provided and kept on file in the Secondary Employment Office.
 4. Officers on modified duty shall not be allowed to participate in any detective or specialized training program.
 - a. Only detective or specialized training programs that do not violate the physical restrictions provided by the authorized treating physician providing primary care in a worker's compensation case will be considered for prior written authorization by the Chief of Police.
 - b. A written authorization must be provided and will be retained in the officer's personnel file.
 5. If an officer is unable to complete quarterly qualification at the range and they had time to qualify prior to the injury/illness, they shall submit a letter documenting the reason why they have not qualified. This letter must then be submitted to the Safety Coordinator, who will then forward it to the Chief of Police for approval.
 6. Officers who are in Modified Duty must ensure they take all regular days off:

- a. An 8-hour shift officer must use all eight regular days off in a period.
- b. A 10-hour shift officer must use all twelve regular days off in a period.

(3) Pregnant Officers

- a. It is at the discretion of the officer if and when she chooses to disclose a pregnancy to the police department. However, the nature of this employment may subject an officer to strenuous physical activity and potential hazards in the workplace. Therefore, a pregnant officer may request a temporary modification to her work assignment during her pregnancy, and if needed, for physical recovery from childbirth.
- b. The officer should consult with her medical provider to determine the appropriate level at which she may perform her duties. The officer should provide the appropriate job description to her medical provider to accurately determine any limitations or restrictions that may be appropriate.
- c. The request for work assignment modification should be made in writing to the Limited Duty Coordinator and the officer's chain of command.
 - 1. The chain of command, in the officer's assigned division or district will review the request for approval. The request should contain any limitations or restrictions from the officer's medical provider as well as list any specialized skills or training that may assist in identifying the appropriate work assignment modification.
 - 2. Upon approval from the officer's chain of command, the Limited Duty Coordinator will facilitate appropriate modifications to the officer's work assignment as soon as practicable.

(4) Returning to duty – On-the-job Injury

- a. Prior to being allowed to return to work, all officers shall obtain a written return to work report from the physician who took the officer off work.
- b. The officer will be returned to the same or a similar assignment as held prior to the injury at the discretion of the Chief.
- c. If the officer is in a modified duty status, they may be reassigned by the Safety Coordinator in conjunction with the appropriate Division Chief according to their physician's recommendations. The Safety Coordinator will confer with the City's Risk Management Unit to ensure that all state requirements are followed.
- d. In no event shall the Department provide an officer with a permanent modified duty assignment.
- e. When the recovery time to which an officer may be entitled under the collective bargaining agreement is exhausted, the officer must either: (a) return to full duty with a physician's release; (b) seek reassignment to a vacant civilian Career Service position, if the officer is disabled within the meaning of the ADA as amended; or (c) seek a disability pension. An officer not returning to full duty shall be removed from the Department's payroll.

505.10 Line of Duty Injuries

- (1) All Classified Service and CSA employees of the Denver Police Department who are injured in the course and scope of employment are required to report the injury to the City and County of Denver's Ouchline 303-436-6824. The following procedure outlines the steps to be followed.
 - a. Non-Urgent Injuries (those not needing immediate medical attention)
 - 1. If an officer believes they have sustained a line of duty injury the officer shall immediately report the injury to their supervisor and shall call the Ouchline at 303-436-6824 before responding to a medical facility. This is a 24 hour a day, 7 day a week telephone line designated for taking the officer's report of injury. It allows a Nurse to review the officer's physical problem and make treatment recommendations. Medical recommendations from the Ouchline Nurse may vary from self/home care to consultation with the Center for Occupational Safety and Health at Denver Health or at a Concentra clinic. It may involve a recommendation for urgent or emergency care when appropriate, based on the medical situation involved.

- b. Urgent Injuries (those needing immediate medical attention),
 - 1. In cases where obvious emergency medical attention is required, request for emergency medical personnel shall be made. An initial call to the Ouchline is not immediately required.
 - 2. When paramedic/ambulance personnel respond to the scene, they shall evaluate the nature and extent of injuries. They may direct the injured officer to be taken to the nearest adequate medical facility.

Paramedic/ambulance personnel may be advised that the "divert status" of Denver Health Medical Center operating rooms is in effect. If necessary, the injured officer will then be transported to a participating alternate hospital.
 - 3. A supervisor or command officer may determine the need for medical attention is so critical and the proximity to a physician or adequate medical facility is close enough that waiting for a Denver Health Medical Center ambulance is not practical. A police car may be used to transport the injured officer for medical assistance without delay.
 - 4. As soon as an officer seeking emergency care is physically able to do so, the officer should report the injury to the Ouchline @ 303-436-6824. If such a call will not be able to be completed by the officer in the 24 hours after the injury, a supervisor or command officer shall call the Ouchline and report the claim on behalf of the officer who is unable to do so.
- c. If an officer experiences additional problems from their injury/illness, they should visit their authorized treating physician immediately. The officer should also immediately notify their supervisor and the supervisor shall notify the Limited Duty Section.
- d. An injured officer/employee may not be reimbursed for medical treatment administered at any medical facility or by any individual unless the procedures outlined have been followed.

(2) **Procedures** - In the event of a line of duty injury, it is necessary for the following steps/forms to be completed and processed:

- a. Call the Ouchline @ 303-436-6824 to report your injury.
 - 1. This phone call replaces the need for an Employee work injury report (ADM-4) and a Clinic Pass (ADM-27).
- b. Supervisor's Report of Accident or Incident. The Supervisor's Report is completed by the injured employee's supervisor and forwarded to the Limited Duty Section. The Limited Duty Section will provide a copy of this form to the City's Risk Management Unit.
- c. Return to Work Pass issued by the authorized treating physician providing primary care is required each time the officer/employee is seen by an authorized treating physician for the workers' compensation injury.

(3) It is the responsibility of the injured person's supervisor to make certain the following reports are completed:

- a. Ouchline report by calling 303-436-6824
- b. Supervisor's Report of Accident or Incident.
- c. Return to Work Pass.
- d. Other reports or information pertinent to the line of duty injury.

(4) Officers who may not be aware of injuries at the time of an incident but who experience some physical symptoms later should bring such matters to the attention of their supervisor without delay and the officer shall call the Ouchline @ 303-436-6824. Necessary forms should then be completed.

(5) Necessary hospital security is a responsibility of the Police Department for line of duty injuries.

- a. An officer from the same assignment as the injured member of the Police Department shall be assigned to guard the hospitalized person as soon as is practical after an incident whenever

the commanding officer deems it to be necessary for the safety and well being of the injured officer.

- b. Personnel shall be assigned in a shift concept to provide this protection on a twenty-four (24) hour basis.
- c. Termination of such protection shall be at the discretion of the Commander to which the injured officer is assigned.

(6) *Deleted 8/24/17*

- (7) Any officer receiving an invoice or request for payment related to a line of duty injury shall contact the Limited Duty Section. The Limited Duty Section will assist in resolving responsibility for payment in a timely manner.
- (8) If an officer experiences a non-work related illness requiring medical attention while on duty, the officer will be excused from duty and should proceed to his/her personal care provider for medical attention. In such an instance, no Workers' Compensation documentation should be completed and the Ouchline should not be called. If it is determined that the officer may not be able to drive themselves to a medical facility, the supervisor may arrange transportation.
- (9) If the non-work-related illness is potentially life threatening or results in loss of consciousness, emergency medical personnel shall be immediately summoned for the officer.
- (10) In the case of a non-work related illness or injury which results in a loss of time or reassignment to limited or modified duties, the incident should be documented on a DPD-200 and forwarded to the Limited Duty Section through the officer's chain of command.
- (11) Since non-work related illnesses and injuries are not covered under Workers' Compensation, an officer will be responsible for any medical bills arising out of any care related to any non-work-related illness.
- (12) The City's Risk Management department will investigate and make a determination regarding work relatedness or eligibility for Worker's Compensation benefits on any claim/incident reported to them as potentially work-related.

505.11 MEDICAL LEAVE, and/or /MODIFIED DUTY - RETURNING TO DUTY

1. If the claim is accepted by the City's Risk Management Unit:

- a. No sick time will be taken from the officer's sick bank for time taken from work for such injury/illness as long as the officer sends a copy of the Return to Work Pass or Doctor/Therapy Appointment Verification Form to the Safety Coordinator. Once time off is confirmed, the time will be changed by the Safety Coordinator to reflect LOD as the work code in TeleStaff. If the Verification Form is not turned in to confirm the time off, sick time will be deducted.

2. In the event the claim is contested or denied by the City's Risk Management Unit:

- a. Sick time will be deducted from the officer's sick bank.
- b. The officer may then apply to the Chief of Police by submitting a request to the Pension Board requesting that his/her sick time is returned. See section 505.12.

3. Recurring Injuries:

Officers with a recurring injury will follow the same guidelines as stated in 505.10 (2), (3), and (4)

- 4. To the extent provided by the collective bargaining agreement, an officer who is disabled by reason of an admitted on-the-job injury/illness and rendered unable to perform those duties shall be granted any necessary leave of absence not to exceed one (1) year. Every effort will be made to assist the officer during the period of recovery. "Recovery" is interpreted to mean that the officer is able to return to full duty status, with or without reasonable accommodation.
 - a. If an officer has the proper physician's medical release and can work in a temporary modified duty assignment within the Department, he/she will be placed in such assignment, if available. If such a position is not available, the officer's supervisor or commander shall contact the Department's Safety Coordinator who will work with the City's Risk Management Unit, who shall assist the Department in locating a temporary modified duty assignment.
 - b. An officer with a line of duty injury requiring medical attention for such injury at times other than

during regular scheduled work hours shall not be entitled to receive overtime pay or compensatory time for such time spent away from work. Situation permitting, the officer's commander may adjust the officer's work schedule to accommodate such treatment.

- c. If an officer is off work for a line of duty injury or illness during scheduled work hours, the department may designate such as leave pursuant to the Family Medical Leave (FML).
- d. If an officer receives an invoice or request for payment relating to medical care for a line of duty injury shall contact the Safety Coordinator who will assist the employee in resolving responsibility for payment in a timely manner.

505.12 Applying to the Police Pension & Relief Board (Pension Board) for Benefits

- (1) Upon receipt of the notice from the City's Risk Management Unit contesting or denying liability for claims of on-the-job injuries/illnesses, officers may contact the Human Resource Management Bureau to apply for the return of lost sick time. If the initial request to the city's Risk Management Unit was not filed within the (4 day) required time frame as per OMS 505.10(2)a., additional documentation must be provided to the Police Pension & Relief Board to justify the reason for the delay in reporting.
- (2) The officer shall complete the Application to the Pension Board and attach any medical information to support his/her request.
- (3) The application and any additional supporting documentation shall be returned to the Human Resource Management Bureau within thirty (30) calendar days from the date of mailing to the employee's address on file from the Human Resource Management Bureau notifying them of the denial. The Pension Board will NOT consider applications relating to denied workers' compensation claims that are submitted for injuries that are 120 days or older.
- (4) The Human Resource Management Bureau shall forward all the information regarding the injury to the investigating committee of the Police Pension for consideration.
 - a. The Pension Board will then consider and evaluate the officer's request and make a recommendation to the Chief of Police or his/her designee for approval or denial.
 - b. The Chief of Police or his/her designee will then make his/her decision on the application for the return of time based upon the information provided, taking the Pension Board's recommendation into consideration.
 - c. Should the Chief of Police or his/her designee approve an officer's application for the return of sick time, such approval shall not be deemed as an admission of liability or acceptance of the officer's worker's compensation claim by the City.
 - d. Should the Chief of Police or his/her designee deny the officer's application for the return of sick time, the officer will have 30 days from the date of the denial letter to request a hearing before the Pension Board to reconsider their recommendation. Written notice for the request to a hearing must be submitted to the Secretary of the Pension Board.

505.13 Equal Employment Opportunity for Individuals with Disabilities

- (1) Policy
It is the policy of the Department to provide equal employment opportunity to individuals with disabilities. This Rule is intended to comply with and be interpreted consistent with the Americans with Disabilities Act of 1990 ("ADA") as amended. This rule is also intended to comport with the requirements of the consent decree entered by the U.S. District Court in *United States v. City and County of Denver, et al.*, 96-K-370. CSA employees are governed by the Career Service Rule involving reasonable accommodation for individuals with disabilities.
- (2) Disability Discrimination
No member of the Department shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, or privileges of employment.
- (3) Reasonable Accommodation
The Department shall provide a reasonable accommodation to the known physical or mental limitations

of an otherwise qualified individual with a disability who is an applicant or employee, unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the Department.

(4) Qualification Standards and Direct Threat

It is not a violation of this policy for the Department to apply qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability if such standards, tests, or selection criteria have been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation. Qualification standards may include a requirement that an individual shall not pose a direct threat to the health or safety of the individual or other individuals in the workplace. Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a reasonable accommodation.

(5) Qualified Individual with a Disability

A disabled individual is an individual who has a physical or mental impairment that substantially limits one or more of the individual's major life activities. A qualified individual with a disability is an individual with a disability who can perform the essential functions of the position he or she holds or to which he or she seeks reassignment, with or without reasonable accommodation. Affecting a forcible arrest and shooting a weapon are essential functions of all Classified Service positions within the Department, regardless of rank or assignment. Other essential functions are included in the job descriptions for the Classified Service positions within the Department or otherwise defined by the commanding officers.

(6) Interactive Process

The Department shall engage in the ADA interactive process upon notice of a police officer's need for reasonable accommodation. Such interactive process shall be a flexible, informal process that involves both the Department and the officer. The Career Service Authority may also be involved in the interactive process. The purposes of the interactive process shall be to determine if the officer (1) is a qualified individual with a disability within the meaning of the ADA; and (2) if so, whether the officer can be reasonably accommodated in his/her position as a Denver Police Officer, or in a vacant Career Service position. The interactive process requires good faith participation from both the officer and the Department. An officer who engages in bad faith in the interactive process may be denied a reasonable accommodation and, if applicable, disqualified from employment. The duty to engage in an interactive process is triggered by either of the following events:

- a. When an officer provides notice that he/she needs a reasonable accommodation for a physical or mental impairment including on or off the job injuries or illnesses, by suggesting to his/her superior officer, supervisor, manager, or personnel officer that he/she requires a reasonable accommodation or needs to change or modify the manner, extent, or method of his/her job duties or responsibilities. The officer may provide notice orally or in writing. The notice may be given in "plain English" and the officer does not have to use the words "reasonable accommodation," mention the ADA, or use any specific terminology to give notice; or
- b. When the Department has actual or constructive notice that a police officer may have a disability for which that officer needs a reasonable accommodation. The Department may be placed on such notice through its knowledge of the officer's hospitalization and treatment; placement of work restrictions on the officer by physicians; the officer's receipt of a permanent impairment rating under workers' compensation; or communication with family members, treating physicians, its own medical personnel, or medical personnel from the city's designated provider.
- c. Any superior officer, supervisor, or manager who receives notice of a request for reasonable accommodation shall contact either the Human Resource Management Bureau or the Safety Coordinator in writing within forty-eight (48) hours of receiving such notice.

(7) Disability determination

- a. In making the determination that an officer has a disability within the meaning of the ADA and any resulting limitations, the Human Resource Management Bureau and/or the Career Service Authority may request and review medical records and other documentation in the possession, custody, or control of the officer who claims to have a disability or his/her health care providers. The Human Resource Management Bureau and/or the Career Service Authority also may obtain an independent medical evaluation for the purpose of gathering information needed to make this determination. Such examinations and evaluations shall be reasonable and paid for

by the Department.

- b. If the officer is determined not to be disabled as defined in this Rule, disqualification proceedings shall be initiated if the officer nevertheless is unable to perform the essential functions of position.

(8) Reasonable accommodation

If the officer is determined to be disabled within the meaning of Title I of the ADA, the Human Resource Management Bureau and the employee shall endeavor to identify any reasonable accommodations the employee may need to perform the essential functions of his or her position.

In order to determine whether an officer requires reasonable accommodation to perform the essential functions of his/her position, the Department shall undertake an individualized assessment of the officer's ability to perform the essential functions of his/her current job.

This individualized assessment shall include consideration of all relevant factors including the individual's background, knowledge, skills, abilities, and experience, and shall determine whether the individual can perform the essential functions. The preferred option always shall be a reasonable accommodation that allows the employee to remain in his/her existing job as a Denver Police Officer.

(9) Reassignment to a Vacant Career Service Position

- a. If it is determined, during an interactive process, that a disabled officer cannot be reasonably accommodated in his/her position as a Denver Police Officer, the Human Resource Management Bureau shall notify the officer of the availability of reassignment to a vacant Career Service position as a possible reasonable accommodation. The Career Service Authority is not required to offer an officer with a disability a vacant reassignment position unless the officer agrees to be reassigned or conveys to his/her Department a desire to remain employed despite his/her disability.

- b. The disabled officer shall be offered a reassignment to a vacant Career Service position which is equivalent in terms of pay and benefits or, if none is available, to a position of lower pay and benefits. The disabled officer must meet the minimum qualifications and requirements for the position as determined by the Career Service Authority. The officer does not need to be the best-qualified individual for the position in order to obtain it as a reassignment. If the officer is reassigned to a vacant position, the officer shall be provided any reasonable accommodation necessary for the officer to perform the essential functions of the reassignment position. The Career Service Authority first shall attempt to identify a vacant Career Service position which is equivalent in terms of pay and benefits within the Department. If none exists, the Career Service Authority shall attempt to identify a vacant position which is equivalent in terms of pay and benefits within another Career Service agency or department. If no equivalent position exists, the Career Service Authority shall attempt to identify a position of lower pay and benefits, first in the Department, and then in another Career Service agency or department. It is solely within the City's discretion as to which vacant position to offer the employee.

A disabled police officer may exhaust all of his/her approved sick leave, recovery time authorized by the Collective Bargaining Agreement for line of duty injuries and other paid leave before requesting that the interactive process be initiated to explore reassignment to a vacant Career Service position as a form of reasonable accommodation. However, a disabled police officer may request reassignment to a vacant Career Service position as a form of reasonable accommodation prior to the exhaustion of all approved sick leave and other paid leave. The Career Service Authority's responsibility to reassign a disabled police officer to a vacant Career Service position ends two (2) months after the Career Service Authority has identified Career Service job classifications for which that officer is qualified. During the interactive process, an officer may decline a demotion reassignment position and request the Career Service Authority to continue looking for comparable vacant positions within the two-month (2) time period.

However, if an officer declines an offer of a comparable position in terms of salary and benefits, the interactive process will cease and the Career Service Authority shall not be required to continue looking for suitable reassignment positions. If no vacant position becomes available during the two-month (2) period, disqualification proceedings shall be initiated. The responsibility to engage in the interactive process may terminate earlier if the officer withdraws his or her request for a reasonable accommodation.

- c. In identifying a vacant position to which a disabled officer may be reassigned, the Career Service Authority shall analyze the officer's specific experience, skills and background, and shall also analyze the specific job duties of the vacant position by consulting with the

department or agency in which the vacancy exists. If determined necessary, the Career Service Authority shall have a job analysis performed of the vacant position.

- d. If a disabled officer is reassigned to a vacant position, and the department or agency subsequently determines that the disabled officer is unable to perform the essential functions of the position, with or without reasonable accommodation, the interactive process will be resumed and the Career Service Authority shall attempt to identify another vacant position to which the disabled employee can be reassigned for a period not to exceed three (3) months. The interactive process need not be resumed if the employee has performance problems in the position that are unrelated to his/her disability, or if the employee is dismissed as a disciplinary measure for misconduct.
- e. Before rejecting or denying a reasonable accommodation by reassignment to a job on the basis that the individual poses a direct threat to the health and safety of the employee or others, the Career Service Authority shall perform an individualized assessment of that individual's ability to perform safely the essential functions of the reassignment position. In making this determination, a number of factors shall be considered, including but not limited to the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. The Career Service Authority will consider input from the individual, the experience of that individual in previous similar positions, medical judgment that relies on the best available objective evidence, the opinions of medical doctors and other professionals, or associates of the individual who have expertise in the medical condition involved, and/or direct knowledge of that individual's qualifications, or ability to perform the job.
- f. If the Career Service Authority believes that an individual with a disability poses a direct threat to himself or herself or others, the employee shall be advised of the reasons for the proposed rejection, including each essential function of the job which it has been determined the individual cannot safely perform, and the reasons why the individual cannot safely perform those functions. The Career Service Authority shall invite the individual to provide, within a reasonable time, additional information in regard to his/her ability to safely perform the job, with or without reasonable accommodation, including but not limited to information from other physicians and information about the individual's current and recent physical capabilities. The Career Service Authority shall maintain records of all factors considered in reaching its final decision.
- g. Reassignment shall not be to a position that constitutes a promotion.
- h. The Career Service Authority is not required to reassign an officer to a vacant position if the officer does not have a disability within the meaning of the ADA. Nor is the Career Service Authority required to reassign an officer who is totally disabled and unable to perform the essential functions, with or without reasonable accommodation, of any position in the Career Service.
- i. Reassignment is not available to officer applicants.
- j. The Career Service Authority is not required to reassign an officer to a vacant position if the officer can still perform the duties of his/her present position, with or without reasonable accommodation.
- k. The Career Service Authority is not required to create new positions for the purpose of reassigning an individual with a disability. Reassignment is limited to existing positions or to positions that become vacant in the Career Service within the two-month (2) time period.
- l. The Career Service Authority is not required to reassign an individual with a disability to a position for which the employee cannot perform the essential functions with or without reasonable accommodation or where the reasonable accommodation would pose an undue hardship.
- m. A reassignment to an employee, including recruits and officers in the Field Training Program, cannot be denied because he/she is designated as probationary. If, however, the probationary employee has never adequately performed the essential job functions, with or without reasonable accommodation, then the probationary employee is not entitled to reassignment because he/she was never qualified for the original position.
- n. Should an officer with a disability be reassigned to a vacant Career Service position as a form of reasonable accommodation, the officer will no longer be a Classified Service employee, but instead will be a new Career Service employee. Under this circumstance, the reassigned

officer will be entitled to the pension given to Career Service employees after the appropriate number of years of service for vesting within the Career Service system. The reassigned officer is not entitled to retroactive vesting for this pension for his/her years of service as a Classified Service employee. This Rule does not prohibit the reassigned officer from purchasing service credits subject to procedures established by the Denver Employees Retirement Plan.

The reassigned officer's vacation days that he/she accrued as a Classified Service employee will not be carried over to the new Career Service position; however, the reassigned officer will be given monetary payment for such leave upon separating from the Classified Service in accordance with the Operations Manual and the collective bargaining agreement then in effect.

The reassigned officer shall accrue vacation leave as a new Career Service employee. If the reassigned officer so wishes, the reassigned officer's sick days that he/she accrued as a Classified Service employee will be carried over to the new Career Service position up to the maximum hours allowed by the Career Service Authority Rules, or the reassigned officer may elect to accept a monetary payment for the accrued sick days upon leaving the Classified Service. An officer seeking reassignment to a Career Service position may be eligible to receive a pension from the Fire and Police Pension Association if he/she qualifies under FPPA rules.

- o. If an officer is reassigned to an equivalent or demotion position, the reassigned officer shall be paid at the step closest to the one he or she earned in the Classified Service position.

(10) Leave without Pay during Interactive Process

During the interactive process, if a disabled officer is unable to perform his/her existing job, the employee may use any available sick leave, vacation leave, compensatory leave, recovery time authorized by the Collective Bargaining Agreement for line of duty injuries and donated sick leave. If no such paid leave is available to the disabled officer, he/she shall be provided with authorized leave without pay during the interactive process. This policy does not grant any additional sick leave or other paid or unpaid leave beyond what an officer would ordinarily be entitled to under the Charter, Operations Manual, and the Collective Bargaining Agreement in effect, or any other personnel rule.

(11) Retaliation and Coercion

- a. It is a violation of this Rule to discriminate against any individual because that individual has opposed any act or practice prohibited by this rule or because that individual filed a grievance or appeal, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce any provision contained in this rule.
- b. It is a violation of this rule to coerce, intimidate, threaten, harass, or interfere with any individual in the exercise or enjoyment of, or because that individual aided or encouraged any other individual in the exercise of, any right granted or protected by this rule (including, but not limited to, making a request for a reasonable accommodation).

(12) Confidentiality and Record keeping

Information obtained during the interactive process regarding the medical history of an employee or applicant shall be collected and maintained on separate forms and in separate files and be treated as confidential, except that:

- a. Supervisors, managers, human resources personnel, and other City employees involved in the interactive process may obtain access to such information on a need to know basis.
- b. Supervisors, managers, human resources personnel, and other appropriate City employees may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations.
- c. First-aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.
- d. Information may be given to the state worker's compensation offices, and state second injury funds, in accordance with the state worker's compensation laws.

505.14 Donation of Time

- (1) Statement of Intent: The purpose of this OMS is to allow officers of the Denver Police Department to

assist a fellow officer who is facing the loss of salary because of a serious accident or illness, pregnancy/maternity, or any other emergency when the officer so affected requires an extended time away from work, but anticipates returning to work. This section shall not be construed to allow any unjust enrichment.

(2) **Definitions**

- a. Donor - the officer contributing time
- b. Donee - the officer receiving time
- c. Time - Sick Leave or Accumulated Sick Leave (ASL)
- d. Officer - an active member of the Classified Service
- e. Donate - offer of the donor to transfer time
- f. Credited - entry of time into donee's time records

(3) **Conditions**

- 1. Any officer may donate sick or accumulated sick time to another officer, provided that the following conditions are met:
 - a. The donor must retain a minimum of 240 hours of sick time.
 - b. The donee officer may not receive time while off due to suspension, leave of absence, or voluntary leave without pay.

(4) **Process**

- 1. **Sick Leave** - Any officer wishing to donate Sick Leave to a fellow officer must obtain a copy of the Donation of -Sick Leave form, DPD 3, from the Human Resource Management Bureau, complete it and return it to the Human Resource Management Bureau.
 - a. The form must be submitted through the chain of command up to the Commander. If approved, the request will be forwarded to the Human Resource Management Bureau for Processing.
 - b. Once a donation is made and the conditions are met, the donation will be accepted by the DPD Human Resources Management Bureau, and will be irrevocable by the donor.
 - c. Donation of sick leave between officers of different ranks will be converted to the pay scale of the donee.
 - d. The donee, in accepting such donated time, waives any right granted under charter, ordinance or other law to have such time returned in cash.
 - e. All donated time credited to the donee becomes the donee's time and will be used by the donee according to procedures outlined in OMS 505.08 – Use of Sick Leave, Leave of Absence
- 2. **Assigned Sick Leave** - Any officer wishing to donate Accumulated Sick Leave to a fellow officer must obtain a copy of the Donation of Accumulated Sick Leave form, DPD 3A, from the Human Resource Management Bureau, complete it and return it to the Human Resource Management Bureau.
 - a. The form must be submitted through the chain of command up to the Commander. If approved, the request will be forwarded to the Human Resource Management Bureau for processing. Refer to the Ops Manual section 505.02(9) regarding vacation vote as this may affect a previous vote.
 - b. The donee officer may not receive time while off due to suspension, leave of absence, or voluntary leave without pay.
 - c. Donation of sick leave between officers of different ranks will be converted to the pay scale of the donee.
 - d. The donee, in accepting such donated time, waives any right granted under charter, ordinance or other law to have such time returned in cash.
 - e. All donated time credited to the donee becomes the donee's time and will be used by the donee according to procedures outlined in OMS 505.08 - Use of Sick Leave, Leave of Absence.

505.15 Change of Shifts – DELETED 01/09 - Refer to OMS 505.03

505.16 Holiday Pay

- (1) All officers shall receive additional compensation for eleven (11) specified holidays either in additional time off or pay. The holidays include:
 - a. New Years Day (January 1)
 - b. Martin Luther King Day (third Monday in January)
 - c. Presidents Day (third Monday in February)
 - d. Cesar Chavez Day (last Monday in March)
 - e. Memorial Day (last Monday in May)
 - f. Independence Day (July 4)
 - g. Labor Day (first Monday in September)
 - h. Veterans Day (November 11)
 - i. Thanksgiving Day (fourth Thursday in November)
 - j. Christmas Day (December 25)
 - k. Officer's birthday to be used by November 30th unless the officer's birthday falls in the month of December or the officer is using the birthday in conjunction with a voted December Vacation/ASL.
 - Officer must take an additional day off
 - Can be used in conjunction with other time (i.e. Saved Holidays).
- (2) Holidays A – J, listed above, have the following options:
 - a. An officer may request an Additional Day Off in lieu of receiving pay for the holiday.
 - b. When an officer requests and is granted eight (8) hours of time off in lieu of a specific holiday, the officer has no entitlement to either the premium pay for work on the holiday or payment if the holiday observed falls on the officer's scheduled day off.
 - c. All officers who do not request an additional day off in the work period shall receive Holiday Pay, in addition to regular salary for the holiday at the straight time rate.
 - d. In addition to his base pay, an officer shall be paid one and one-half times his base rate of pay for any time actually worked on a holiday.
 - e. Commanders shall arrange staffing assignments on the holidays according to workload requirements and prevent unnecessary payment of additional holiday premium pay.
 - f. Officers are entitled to select up to four (4) holidays to be saved for later use. This selection must be made during the Vacation Vote. Officers may add this time to their vacation vote to allow for up to fourteen (14) days off, or may use them one day at a time, at their commander's discretion based on department needs.
 - g. If an officer saves any holidays, they are not entitled to an additional day off nor do they have an entitlement to either the premium pay for work on the holiday or payment if the holiday observed falls on the officer's scheduled day off.
 1. Holiday Saved Time usage will be approved based on the following priority level:
 - a. Voted Vacation and Voted ASL
 - b. Regular Days Off
 - c. Day off used from any other leave bank
 2. The holidays that may be saved are in the following order:

- a. Martin Luther King Day
 - b. Presidents Day
 - c. Cesar Chavez Day
 - d. Veterans Day
3. Officers do not choose which holiday they will save. If they save one (1) day, it will be Martin Luther King Day. If they save two (2), they will save Martin Luther King Day and Presidents Day, etc. Officers will not be entitled to payment for saved holidays that fall after the date of separation from the classified service.
 4. At the discretion of the Chief, Holiday Saved Time must be used by November 30th of the same calendar year or the time will be lost. The only exception is if the Saved Time is going to be used in conjunction with a December vacation or ASL that was previously voted for.

505.17 Hazard Duty Pay

- (1) Officers specially trained and assigned to Bomb Squad duties will receive special hazard pay in addition to their regular salaries.
 - a. Those officers assigned to the Bomb Squad will receive this pay each month.
 - b. Those officers available as backups for the Bomb Squad will receive this pay only in a month in which they officially act in the capacity of a bomb squad detective.
- (2) Officers trained and permanently assigned to ride two-wheeled motorcycles will receive special hazard pay in addition to their regular salaries.
 - a. Those officers permanently assigned to the motorcycle units in the Traffic Operations Bureau and to the Mall Motorcycle Unit in District Six will receive this pay each month.
 - b. Those officers assigned in other units of the Patrol and Special Operations Divisions where motorcycle duty is performed occasionally or semi-permanently will receive this pay only for months in which the motorcycle duty was actually performed for the majority of the month, i.e. for twelve (12) or more regular shifts during the month.
- (3) The Helicopter Chief Pilot and all Helicopter Pilots will receive special hazard pay in addition to their regular salaries.
- (4) Commanders of each bureau or district in which personnel are entitled to hazard pay shall provide a letter to the Human Resource Management Bureau each month which details those officers entitled to pay for that month.
 - a. Letters must reach the Human Resource Management Bureau by the twelfth (12th) of each month for payment on the last day of that month.
 - b. Commanders must exercise care to determine this benefit by the month, not by the Work Period. For those officers performing occasionally or semi-permanently, preparation of the letter may not be possible before the close of the month, and payment will occur at the end of the following month.
 - c. No officer will receive hazard pay for a month unless a letter is provided to the Human Resource Management Bureau.

505.18 Separation through Disqualification

- (1) Disqualification is the separation, without fault, of an officer of the Denver Police Department who is determined to have one (1) or more of the following conditions:
 - a. Post Appointment Incapacity: When an officer becomes unable to perform the duties of the position because of mental or physical incapacity.
 - b. Necessary Special Requirement: When a job specification lists necessary special requirements and the officer fails to meet those requirements.
 - c. Legal Requirements: When the law requires a license or other authorization to perform the

duties of a position and the member does not have the required authorization.

(2) Procedure

- a. Prior to disqualifying an officer of the Denver Police Department, the department shall offer the officer applicable leave entitlement and shall, if such impairment is due to a qualifying disability as defined in the Americans with Disability Act (ADA) as amended, have attempted to make reasonable accommodations. Such reasonable accommodations may include, if appropriate, reassignment to a vacant CSA position within the meaning of the ADA as amended.
- b. When disqualification is contemplated, the following procedures shall be followed:
 1. The officer shall be given written notification that disqualification is being considered. The notification shall include the reason for the disqualification considered, including the facts which are believed to justify the disqualification, and notice of a meeting at which the officer will be given the opportunity to present information related to the contemplated action. The officer shall also be notified that he may have a representative present.
 2. The written notification shall be:
 - a. Hand delivered to the officer no less than five (5) days prior to the meeting, or
 - b. Mailed to the officer's last address of record no less than ten (10) days prior to the meeting.
 3. The pre-disqualification meeting shall be presided over by the Chief of Police or a designee. Service of the written notification shall be reviewed and the officer, or his/her representative, shall be given the opportunity to respond to the allegations of the contemplation letter and, if appropriate, present ideas for possible accommodation.
- c. No more than fifteen (15) days after conclusion of the contemplation meeting, the Chief or his/her designee shall issue a written recommendation concerning the disqualification. Any recommendation to disqualify the officer shall be sent, along with other relevant information, to the Manager of Safety for final approval.
- d. The Manager of Safety shall make a determination on the disqualification within fifteen (15) days of the date of the Chief's or his/her designee's recommendation. No disqualification shall become effective without a written order of approval from the Manager of Safety.

(3) Appeal:

A separation based on disqualification may be appealed in accordance with Rule XII of the Civil Service Commission Rules. However, the appeal shall not prevent the separation from becoming effective.

(4) Re-Employment

- a. An officer who has been separated as a result of disqualification shall be entitled to the same re-employment rights as an officer who has separated under honorable circumstances, pursuant to department rules and the Charter, provided that the former officer demonstrates to the Chief of Police, the Manager of Safety, and a majority of the Civil Service Commission that the former officer can perform the essential functions of the position.
- b. Pursuant to FPPA requirements, a former officer who receives a temporary occupational disability may reapply within five (5) years.

(5) Confidentiality of Information:

Whenever information pertaining to a disability is gathered as part of the disqualification process or to attempt an accommodation, such information shall not be disclosed except to medical personnel, supervisory or administrative personnel necessary for the implementation of this rule and the administration of the department.

505.19 Re-employment of Denver Police Officers (Revised 05-2011)

- (1) Officers who were separated under honorable circumstances may be re-employed upon meeting each of the following criteria:
 - a. Obtain written approval by the Chief of Police, the Manager of Safety, a majority of the Civil Service Commission, and complete any other examination requirements as determined by Civil

Service Commission rules, statutory requirements, and requirements of the Department of Safety.

- (2) Re-employed members shall be re-employed at the highest rank previously held, not higher than Police Officer 1st Grade.
- (3) Re-employed officers shall retain the seniority they had at separation, but no seniority shall be granted for the time during which they were separated and service shall not be construed as continuous. Re-employed officer will vote based upon their adjusted continuous service date.
- (4) In the event the approval of the Chief of Police, the Manager of Safety, or the Civil Service Commission is not granted, the former officer shall have no right to seek review of that decision before the Civil Service Commission, the Chief of Police, or the Manager of Safety.
- (5) Consideration for re-employment shall be based on the following:
 - a. Applicants will be considered for re-employment if they had reached 1st Grade and not exceeded three (3) years from the time of separation to the time of re-employment.
 - b. An applicant must apply before 2½ years of separation. If no vacancies are available, the applicant will be placed on a list not to exceed the three (3) year requirement for re-employment.
 - c. Pursuant to FPPA requirements, a former officer who receives a temporary occupational disability may reapply within five (5) years.
 - d. Application shall be in the form of a letter addressed to the Chief of Police requesting re-employment.
 - e. All applicants will be subject to a preliminary review of previous employment to determine their status at the time of separation.
 - f. If an individual seeking re-employment has been separated for at least ninety (90) days, the Commission will, at a minimum, expect the individual to successfully complete the following examinations to the satisfactions of the Commission: (1) a psychological evaluation or examination; (2) a background investigation, including a polygraph examination; and (3) a medical evaluation or examination, including a drug screen.
 - g. Officers who are re-employed by the Denver Police Department shall be assigned to a Field Training Officer upon assignment to a patrol district.
 1. Where the time between the separation and re-employment dates does not exceed one (1) year, the District Training Coordinator shall assess the needs of the individual and devise a documented training program sufficient to address those needs
 2. Where the time between the separation and re-employment dates exceeds one (1) year, the Officer shall engage in the normal fourteen (14) week Recruit Field Training Program including full documentation.
 3. In either case, failure to successfully complete the designated re-training program will be grounds for immediate dismissal.

505.20 Notification of Death or Injury of Denver Police Officers

- (1) In the event that any officer of this department is wounded or killed in the line of duty, or dies under any other circumstances, it shall be the responsibility of the officer's commanding officer to notify the immediate family of the injury or death.
- (2) All such notifications shall be made in person.

505.21 Denver Police Department Recruitment Referral Reward

- (1) Sworn personnel and CS employees will be awarded 8-hours compensatory straight time if they successfully recruit a new officer into the Denver Police Academy. "Successfully Recruit" means the person recruited by an officer or CS employee was offered a position in the academy, accepted, and started training.
- (2) Eligibility:

- a. Officers of the Denver Police Department up to and including the rank of captain, and all police department CS employees, are eligible for earning the Recruitment Referral Reward.
 - b. Officers assigned permanently or temporarily to the Recruitment Unit and officers on paid recruitment trips are not eligible.
 - c. Recruitment referrals will not be awarded for an employee's family member who is hired by the Denver Police Department.
 - d. Only one officer will be given credit for a successful recruitment effort. The final determination regarding credit will rest with the Chief of Police (or designee).
- (3) Process:
- a. Officers will provide an applicant's name and email contact to the Recruitment Unit, either by email or submission of a Denver Police Department Applicant Referral Card. At a minimum, the officer will provide to the Recruitment Unit the applicant's name and email address. This information must be submitted before the applicant tests with the Denver Civil Service Commission.
 1. The Denver Police Department Recruitment Referral Card may be given to an applicant for completion and submission to the Recruitment Unit, or it can be completed by the referring officer and forwarded to the Recruitment Unit at the Denver Police Academy. Additionally, recruitment referral information can be sent to DPDRecruiting@Denvergov.org
 2. Recruitment Referral Cards are available through the Recruitment Unit and district stations.
 - b. Once a referred applicant has started the Denver Police Academy, the Recruitment Unit will notify the referring officer of the applicant's acceptance into the academy. Additionally, the Recruitment Unit will submit the Recruitment Referral Reward request for approval by the Deputy Chief of Administration.
 - c. The Deputy Chief of Administration will then send reward documentation to the referring officer's commander. The referring officer's supervisor is responsible for entering 8 hours into TeleStaff using the work code, "Recruiting Reward" and include in the notes field the name of the recruit officer hired.
- (4) Career Service Employees:
- a. The process will be the same for CS employees as for officers with the exception that the Deputy Chief of Administration will forward approval to the Department of Safety Human Resources for entry into Kronos.
 - b. If recruited by a CS employee, 8-hours' straight time will be entered under the category "Admin Leave - Exemplary Performance."
 1. The recruit's name and badge number will appear under Justification. (Justification: Recruitment Excused Day, Recruit John Doe #0000)
 2. Recruitment Referral Reward time for CS employees will be maintained by the Department of Safety Human Resources.

505.22 Special Assignment Time

- (1) Special Assignment Time may be granted to an officer at the discretion of his/her Commander.
- (2) Special Assignment Time requiring an over-night stay, to be spent within the State of Colorado shall require the approval of the officer's Division Chief
- (3) Special Assignment Time outside the State shall require the approval of the Chief of Police.
- (4) When officers who regularly work ten-hour (10) shifts are scheduled for special assignment to attend CEP or other specialized training, the following procedures will apply:
 - a. If the training is five (5) eight-hour (8) days in one (1) week, the officer's schedule will be changed to eight-hour (8) shifts during that week. This procedure will apply regardless of

where the special assignment takes place or which agency provides the training. The officer will be credited forty (40) hours worked, and no deductions of time from the officer's compensatory time bank will be required. The officer's supervisor will ensure that the officer's scheduled hours worked during that period do not exceed one-hundred sixty (160).

- b. If the special assignment is fewer than five (5) days in one week, the officer's TeleStaff calendar will reflect an eight-hour (8) credit for each special assignment day. The officer may use two (2) hours compensatory time when available from a time bank, for each of the eight (8) hour days, or choose option 4(d), below. If the officer does not have enough compensatory time in the bank, then time can be used from the Saved Holiday, Birthday, ASL, Saved Vacation, or Vacation banks, in that order. The officer shall not be scheduled or allowed to work an extended shift on any other day during the work period to make up the two-hour (2) shortage.
- c. If the special assignment is training provided at the DPD Academy, the officer may leave at the end of the training session and must add a work code to the TeleStaff calendar requesting that two (2) hours of compensatory time be deducted from the time bank. If the officer does not have enough compensatory time in the bank, then time can be used from the Saved Holiday, Birthday, ASL, Saved Vacation, or Vacation banks, in that order.
- d. The officer may elect to not use compensatory time by remaining at the Academy for two (2) additional hours to receive additional training provided by the Academy staff. The training may include, but is not limited to: ACT refresher and qualification, viewing training videotapes, classroom instruction on a variety of topics, or any two-hour (2) block of training then offered by the Academy staff. This option applies to CEP classes, mandatory remedial training and other special assignment held at the DPD Academy.
- e. It is not permissible for an officer who normally works eight-hour (8) shifts to attend the additional two-hour (2) training to earn overtime compensation.
- f. An officer who normally works ten-hour (10) shifts, will be granted special assignment time to attend training provided by an outside agency, or at a facility other than the DPD Academy, only if the officer requests and agrees to use compensatory time to make up each day's two-hour (2) shortage.
- g. The Department may, on occasion, order an officer who regularly works ten-hour (10) shifts to attend specialized or remedial training at a facility other than the DPD Academy. The Department will attempt to schedule these sessions in ten-hour (10) blocks. If that is not possible, the officer's attendance will be recorded as determined on a case-by-case basis, by the officer's Division Chief.

505.23 LIMITED DUTY

(1) DEFINITIONS:

Work Related (Line of Duty) Injury: Any injury or occupational disease/illness that Risk Management, or the Office of Administrative Courts, has determined arose out of the course and scope of the performance of an employee's duties as a police officer.

Line of Duty '365' Pay Rule: See Collective Bargaining Agreement, Article 22.2.

Limited Duty: Any period when an officer is not able to perform all normal duties as a sworn officer because of a Line of Duty or Non-Line of Duty injury. This includes any time classified as salary continuation (worker's compensation) leave, modified duty time and all personal leave (vacation, Accumulated Sick Leave, holiday, compensatory time, leave without pay, etc.).

Salary Continuation Leave (Workers' Compensation): Time off from work due to work-related injury or occupational disease/illness granted by medical professionals and managed by Risk Management. Officers may use a maximum of 2080 Worker's Compensation hours per work related injury.

Modified Duty: A work assignment that is provided to officers to meet work restrictions imposed by medical providers during an injury recovery period or pregnancy (for work-related injuries and non-work-related injuries). This includes any restriction that limits the number of hours per day an officer may work. A maximum of 260 modified duty days will be granted per incident. Any partial use of modified duty time counts as "one day." While on modified duty, officers will work/be assigned to five

eight-hour shifts per week, unless his/her medical restriction requires the officer to work fewer hours or shifts.

Non-Line of Duty Injury: Any injury that occurs while in an off-duty capacity where no police action was involved (did not arise out of the course and scope of a police officer's duties.)

(2) TOTAL USEABLE LIMITED DUTY TIME:

- a. An officer sustaining a work-related injury has two years of total usable limited duty time. Except for cases when an officer appeals a Worker's Compensation claim, his/her total usable Limited Duty time begins on the date of the injury and ends two years from the date of the injury. Any amount or combination of Workers' Compensation Leave, Personal Leave and Modified Duty time counts toward the total two-year maximum.
- b. If the officer has not returned to a full-duty capacity at the 1 year and 9-month post-injury date, the department may pursue the Separation through Disqualification Process, including the opportunity for the injured officer to enter the Interactive Process (see OMS 505.18). During this process, an officer may continue to work in a Modified Duty capacity and/or utilize Workers' Compensation time or personal leave time. After two years have passed from the date of injury, the officer will be separated from the department through medical disqualification.

(3) OFFICERS USING WORKERS' COMPENSATION AND PERSONAL LEAVE (NO MODIFIED DUTY):

Should an officer utilize ALL 2080 Workers' Compensation Leave hours and:

- a. Has not utilized any modified duty time for this injury; and
- b. Is still not cleared to return to a Modified Duty assignment by the Worker's Compensation medical providers:

The officer may request, through the Chief of Police, to utilize personal time to continue to recover from his or her injuries for a period not to exceed one year from the date of expiration of the 2080 Workers' Compensation Leave hours. The total amount of Limited Duty time the officer may use for any one work-related injury will not exceed two years from the date of injury. If the officer has not returned to a full-duty capacity at the 1 year and 9-month post-injury date, the department may pursue the Separation through Disqualification process, including the opportunity for the injured officer to enter the Interactive Process (see OMS 505.18).

(4) OFFICERS USING WORKERS' COMPENSATION, PERSONAL LEAVE, AND/OR MODIFIED DUTY:

Should an officer utilize a combination of any portion of the 2080 Worker's Compensation hours, personal time (if approved by the Chief of Police), and Modified Duty, and is still unable to return to full-duty after two years from the date of the injury, the department may pursue the Separation through Disqualification process, including the opportunity for the officer to enter the Interactive Process at the 1 year and 9-month post-incident date (see OMS 505.18). During the Separation through Disqualification process, the injured officer may continue to work in a Modified Duty capacity until they reach the two-year post injury date or 260 modified duty shifts have been worked.

(5) FMLA DESIGNATION:

- a. Should an officer be on Limited Duty (consistently using either Workers' Compensation Time, Modified Duty time and/or Personal Leave), no later than 90 days from the date of a work related or non-work-related injury, and if eligible for FMLA, the officer will apply for FMLA certification for the injury.
- b. Should an officer need to re-open a previously submitted work-related injury claim, and he/she is eligible for FMLA, the officer will apply for FMLA certification three months after the first day of Limited Duty status (after the case is re-opened).
- c. Should an eligible officer fail to apply for FMLA as required in these circumstances; the Denver Police Department may force designate this time as counting toward his/her FMLA time.

(6) WORKERS' COMPENSATION DECISION APPEALS:

If an officer appeals a worker's compensation claim denial or treatment method, the usable Limited Duty time and Modified Duty time periods will be tolled from the date which the Application for Hearing is filed on the issue of compensability, or treatment, until the date on which a final decision on compensability, or treatment, is made through settlement or court decision.

(7) SEPARATION THROUGH DISQUALIFICATION:

- a. If the department deems it necessary to enter the Separation through Disqualification process for an officer, it will commence the sooner of either:
 1. 1 year and 9 months from the date of injury;
 2. At the 195th day of Modified Duty usage (of the allowable 260 days of Modified Duty), or
 3. The injured officer utilizes his/her full 2080 Worker's Compensation hours (plus any additional Personal Leave time approved by the Chief of Police).
- b. When the Separation through Disqualification process is initiated on the 195th day of Modified Duty, the officer can continue working in such a capacity through the 260th day of allowable Modified Duty time and be afforded the opportunity to enter the Interactive Process.
- c. Should the officer be cleared by a Workers' Compensation medical provider to return to full-duty while the Separation through Disqualification process is pending; the Separation through Disqualification process will cease and the officer will return to his/her full-duty status.

(8) NON-WORK-RELATED INJURIES:

Officers who are injured in a non-work-related incident will be granted no more than one year (from the date of injury) to return to full-duty capacity. Should the officer not return to full-duty within one year from the date of injury, he/she must file for separation from the department via retirement or resignation at the date of exhaustion of such time, or the department may initiate the Separation through Disqualification process. The department will afford the officer the opportunity to enter the Interactive Process (see OMS 505.18). While the retirement or Separation through Disqualification process is pending, the officer may use up to 60 days of Personal Leave time.

505.24 Officer Filling Position of Supervisory Officer - Acting Capacity (Revised 05-2011)

- (1) Acting assignments shall be made only when it is essential to the functioning of the Bureau, Section, or Unit to have an officer with full supervisory or command authority immediately available for an entire shift to perform supervisory or command functions.
 - a. Acting Assignments will not be made when sufficient supervisors assigned to the bureau are working and can be called upon when necessary.
 - b. Bureau commanders shall be held responsible for insuring that acting assignments are made only when necessary
- (2) Acting assignments can only be authorized by Captains/CSA Directors or, in the case of bureaus and units commanded by Lieutenants, the respective Division Chief.
- (3) An officer temporarily filling the position of a supervisory officer in an acting capacity shall be vested with all the authority and responsibilities of the supervisor, but the acting officer shall not interfere with, countermand, or modify the orders previously issued by the supervisory officer, except in extreme emergency.
- (4) An officer so assigned, when called upon to affix their signature to any official paper or report, shall use only their official title and never sign as an acting officer of a higher rank.
- (5) Any officer who is temporarily assigned by his supervisor to a rank higher than that which he currently holds shall be compensated at the rate of pay of the higher rank for the time he is assigned and assumes the duties of the higher rank.
- (6) Officers may be temporarily assigned to a rank or assignment no more than one step higher than their current rank with the following exceptions:
 - a. A Commander may, with the approval of the Division Chief, assign a Lieutenant to the position of Acting Commander in their absence.
 - b. A Division Chief may, with the approval of a Deputy Chief, assign a Captain to the position of acting Division Chief in their absence.
- (7) Any Lieutenant assigned as an acting Commander or a Captain assigned as an acting Division Chief shall be compensated at the rate of pay of the acting position.
- (8) Any officer who, for a period of four (4) hours or more is temporarily assigned by his supervisor to a rank higher than that which the officer currently holds and assumes the duties of that higher rank shall

be compensated at the rate of pay of the higher rank for the entire duty shift in which he is so assigned. If during the period of temporary assignment, the officer works overtime, the officer shall receive the overtime rate of pay at the officer's existing pay rate.

- (9) Officers will receive acting pay for those days when they are physically present at work. In addition, officers will not receive acting pay for those days on which they are on special assignment, on an excused day or regular day off.
- (10) Upon completion of the acting assignment, officers qualifying for payment shall complete Acting Assignment Verification, DPD 183. The original of this form shall be forwarded to the Human Resource Management Bureau for payment.

505.25 Acting District Commanders and Acting Shift Commanders

- (1) District Commanders will arrange Lieutenants' days off and vacation schedules in an attempt to provide Lieutenants as acting District Commanders during their absence.
- (2) Lieutenants will arrange Sergeants' days off and vacation schedules in an attempt to provide a senior Sergeant as acting shift commander during their absence.

506.00 - MISCELLANEOUS

506.01 Transfers of Assignment

- (1) In order to receive a transfer of assignment, an officer must first initiate a Request for Transfer of Assignment, DPD 49, which will be processed through the chain of command to their Division Chief.
- (2) Although the officer's preference and wishes will be considered, the primary consideration in making the transfer will be for the good of the Department.
- (3) Transfers made at the request of officers may necessitate a change in Vacation and/or Accumulated Sick Leave. See OMS 505.02(10).

506.02 Death in the Family - Bereavement Leave

- (1) Upon proper notification to his commanding officer, an officer shall be granted forty (40) hours of paid leave of absence in the event of the death of the officer's husband, wife, mother, father, mother-in-law, father-in-law, stepfather, stepmother, child, stepchild, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, domestic partner as defined by the City, or other person within the officer's immediate household. On the occasion of the death of any other relative, including a relative by marriage, an officer shall be granted a one (1) day paid leave of absence. Bereavement leave pursuant to this Article may be taken in conjunction with the officer's regularly scheduled days off and/or previously scheduled leave time. Bereavement leave is to be taken in connection with matters related to the death.
- (2) Proper notification to the commanding officer includes sufficient information to satisfy the Commander which may include the name of the deceased and the relationship to the officer.
- (3) The bereavement work code will be used to record the time on the officer's calendar in TeleStaff. The relationship of the deceased and any other pertinent information should be entered into the notes field in TeleStaff.

506.03 Labor Disputes and Strikes

- (1) When police personnel are called to the scene of a labor dispute or strike, they will:
 - a. Maintain a polite, firm, and courteous demeanor towards all persons involved.
 - b. Refrain from discussing controversial matters or stating their personal opinions on any issue.
 - c. Enforce the law with absolute fairness and impartiality.
 - d. Officers at the scene will mediate matters to the best of their ability. Officers must emphasize the neutral position of the Police Department and its responsibility in protecting life or property. A supervisor will be requested to respond when needed or circumstances dictate.
- (2) Arrests as a result of minor incidents on picket lines or other demonstrations resulting from strikes should be kept to a minimum. Officers assigned should exercise sound judgment and make arrests only as a last resort.

506.04 DELETED

506.05 Grants, Contracts, and Memoranda of Understanding

- (1) Any time there is an acquisition, provision, exchange of any service or item of value, contract for police services including overtime associated with detached assignments, outside the normal operating procedures of the Denver Police Department, it shall constitute a contract between the City and County of Denver, and the agency, or party receiving or providing the service or item. (See subsection (6) for procedures to use for accepting Donations).
- (2) Only the Chief of Police or the designee named by the Chief of Police is authorized to enter into, or sign, any grant, contract, or memorandum of understanding.

- (3) Personnel, who are seeking grant funding, equipment, or any other resources from outside the Police Department's normal budgeting process, shall submit a Grant Proposal, DPD 900, through the chain of command, to the Grant / Contract Review Committee, under the command of the Deputy Chief of Police, Administration, for approval.
- a. Grant / Contract Review Committee shall be comprised of the Deputy Chief(s) of Police, the Director of Financial Services, and the Director of Research and Development, who will also act as the Grant Administrator for the Police Department.
 - b. Proposals shall be summarized on a Grant Proposal, DPD 900, and submitted through the chain of command to the Grant / Contract Review Committee, prior to the application being submitted for signature.
 - c. Proposals shall be submitted in a timely manner, allowing adequate opportunity for review.
 - d. The decision of the Chief of Police shall be communicated to the applicant by the Grant / Contract Review Committee.
- (4) The Division Chief for the division where the balance of the funds shall be used, or where the required activities shall be administered will assign a person to act as Program Coordinator.
- a. The Program Coordinator will ensure that grant related work is meeting the requirements of the contract or grant, and that related activities are being directed to achieve the goals and objectives stated in the grant application.
 - b. The Program Coordinator will ensure that program progress reports are completed as required.
 1. Financial reports will be completed by the Police Department Financial Services Bureau.
 - c. The Program Coordinator will ensure that progress reports, financial reports, correspondence and any other related paperwork are sent to the Grant Administrator in Research and Development.
- (5) The Grant Administrator will administer grants and be responsible for:
- a. Locating funding sources for law enforcement programs.
 - b. Assisting with and monitoring the preparation of the application for funding.
 - c. Ensuring that progress reports are complete, accurate, and timely.
 - d. Preparing internal quarterly progress reports on all department grant programs for the command staff.
 - e. Seeking out and communicating relevant grant prospects throughout the agency.
 - f. Maintaining archives on all grant programs including all progress reports, financial reports, correspondence, and any other related paperwork.
 - g. Serving as a member of the Grant / Contract Review Committee.
- (6) Donations are any goods, including equipment, supplies, cash or cash equivalents, real property, and building improvements which are given to the Denver Police Department. There may be restrictions associated with the use of the donated resources, but there are not accompanying program or reporting requirements associated with the use of the donation.
- a. Individuals, businesses or corporations wishing to make a donation to the Police Department shall present their intentions in writing to the Chief of Police, including information regarding the nature of the donation, and any special conditions associated with the donation.
 - b. Denver Police officers shall not solicit or accept any donation as directed in OMS RR 204.
 - c. The Chief of Police shall appoint a designee to contact the donor in order to obtain the following information:
 - d. A description of the donation and the approximate value.
 - e. Information about the donor.
 - f. Any restrictions placed on the donation.

- g. The date of anticipated transfer.
- h. The Chief of Police shall accept or reject the proposed donation, and respond to the donor in writing.

506.06 DELETED

507.00 – TRAVEL POLICY**507.01 Denver Police Department's Travel Policy****(1) POLICY**

The policy of the Denver Police Department (the "Department") is to pay for reasonable travel expenses incurred by employees carrying out responsibilities directly related to the furtherance of the Department's mission and in support of the employee's assigned duties.

(2) PURPOSE

Policies and procedures listed herein will establish such guidelines and regulations for the purpose of:

- Providing equitable, consistent, and fair standards for reimbursement.
- Maintaining effective control over travel expenses.
- Providing uniform administrative procedures for handling of travel requests.
- Creating a universal policy that governs the management of travel expenses regardless of the funding source paying for the travel.

(3) AUTHORITY

This policy is adopted pursuant to city fiscal rules, charter provisions, municipal ordinances, Internal Revenue Code provisions, and State Travel Program rules. This policy is subject to change as necessary to comply with the above listed rules, provisions, and ordinances. Nothing in this policy restricts the authority of the Chief of Police or the Chief's Designee from establishing additional restrictions or requirements at the Division or Bureau level so long as such additional restrictions or requirements do not usurp the intent or purpose of this policy.

(4) DEFINITIONS**a. Travel Coordinators**

1. Agency Travel Coordinator: The person designated by the Chief of Police to administer, account for, and coordinate the agency travel program. This responsibility will generally be delegated to the Director of the Financial Services Bureau.
2. Division Travel Coordinator: The person designated by the Chief of Police and trained to assist the Agency Travel Coordinator in the coordination of the agency travel program at the Division level. This responsibility will generally be delegated to a Division Chief or the Division Chief's designee(s).
3. Bureau / Section Travel Coordinator: The person designated by the Chief of Police and trained to assist the Agency Travel Coordinator in the coordination of the agency travel program. This responsibility will generally be delegated to a command officer, supervisory officer, CSA director or CSA supervisor in charge of a Bureau or Section that is not subordinate to a Division.

b. Department Travel Account: The account number used by the Financial Services Bureau to pay for airfare.

c. Employee: Any officer in the Classified Service or Career Service Authority employee under the command and control of the Chief of Police of the Denver Police Department.

d. Event Day: Any day in which an employee attends training or conducts business required in conjunction with travel to include training, investigations, interviews, inspections, etc. Event days may include travel for a portion of that day. In such instances, that day would not be considered a travel day as defined in OMS 507.01(4)j. Example: An employee travels to Phoenix on Friday morning to attend a two (2) and an half day seminar which starts Friday evening would be considered an event day.

e. Individual Travel Card: A credit card issued to an individual traveler, at the time of authorized travel, for approved travel expenses excluding airfare.

f. Limited Travel: Travel within a geographical area that reasonably permits a traveler to drive to and return from the destination on the same day (day trips).

g. Local Travel: Travel within the six (6) county metro areas.

NEW 1-09

- h. Outcome Statement: An accounting of the outcome of an investigation completed on an Inter-Departmental Correspondence, DPD 200, and maintained in the Division requiring it.
- i. Standard Travel: Travel that is not of an emergency nature, requested through normal procedures and pre-approved through the chain of command.
- j. Travel Day: Any day in which an employee travels to or returns from an approved destination where the only activity the employee is engaged in that day is traveling. Example: The time an employee travels to Florida on Sunday for a training class that begins on Monday would be considered a travel day. If an employee travels to a destination and begins a training course, investigation, etc. on the same day, that time would not be considered a travel day.
- k. Traveler: Any officer or Career Service Authority employee of the Department traveling on official Department business and authorized to incur travel or related business expenses on behalf of the Department.
- l. Travel Event Code: A unique code issued after the approval of a travel request and used to identify all related forms, invoices, receipts, or any other documents pertaining to travel expenses incurred by an individual employee during a travel event.
- m. Travel Policy Administrator: The individual(s) assigned to the Office of the Chief of Police who act(s) as liaison between the Department and the Mayor's Office and who maintain(s) record of the transmission and receipt of approved or denied Mayor's Travel Authorization letters.
- n. Travel Request Form (ADM 9): The ADM 9 is an official City form required by the Controller's Office for reimbursement of expenses.
- o. User Committee: The committee appointed by the Chief of Police that meets annually, or as needed, to discuss issues related to and recommend changes of the agency travel policy.

(5) Requesting Travel

- a. All employees requesting travel are required to submit an Inter-Departmental Correspondence, DPD 200, detailing the request and a Travel Cost Worksheet, DPD 720, (if cost will be incurred) to their immediate supervisor after it is reviewed by the employee's Travel Coordinator or the Financial Services Bureau in the absence of the employee's Travel Coordinator.
 - 1. The travel request details shall also contain requests and justifications for all special reimbursements enumerated in OMS 507.01(6). No additional requests or justifications are necessary.
- b. Employees may seek approval for any travel purpose that directly benefits the Denver Police Department if:
 - 1. It is necessary to carry out assigned duties or conduct official business, or
 - 2. It enables the employee to carry out responsibilities or functions useful to the Department in a more productive, efficient, or beneficial way.
- c. Travel purposes may include but are not limited to: training, seminars, conferences, hearings, conventions, meetings, investigative activities, transportation of equipment, intergovernmental operations, etc.
- d. Command officers, supervisory officers, CSA directors or CSA supervisors in the chain of command of the employee requesting travel authorization shall not approve requests that do not clearly establish Departmental benefit.
- e. It is ultimately the responsibility of the Chief of Police, when approving travel requests, to make the determination as to whether travel expenses are *for the benefit of the Department*.
- f. Standard Travel Requests
 - 1. In the absence of an emergency, an employee shall submit a travel request on an Inter-Departmental Correspondence, DPD 200, to his or her immediate supervisor well in advance of the travel date to allow sufficient time for review by the employee's chain of command.

2. The employee's chain of command, up to and including a Division Chief or above, shall review and approve or deny the travel requests when costs will be incurred regardless of the funding source.
 3. When out-of-state travel is requested, whether or not costs will be incurred, the employee's chain of command, up to and including the Chief of Police and the Mayor, shall review and approve or deny the travel request.
 - a. Out-of-state travel requires an additional document known as the "Mayor's Travel Authorization" be approved by a designee in the Mayor's Office to authorize such travel.
 1. Once the Chief of Police or a Deputy Chief of Police approves the travel request submitted by an employee, the Travel Policy Administrator shall generate and forward the "Mayor's Travel Authorization" to the Manager of Safety's Office.
 2. Once the Manager of Safety approves the travel request from the Chief of Police, the Manager of Safety's Office shall forward the "Mayor's Travel Authorization" to the Mayor's Office.
 - a. Upon approval by the Mayor's Office, a travel event code will be assigned and the employee's Travel Coordinator shall be notified.
 - b. Upon denial, the employee's Travel Coordinator shall be notified.
 - c. The employee's Travel Coordinator shall be responsible for all notifications to the employee.
 4. Grant or third party funding may require additional approvals for travel and all such approvals shall be obtained and documented before submitting the travel request through the chain of command.
 5. Generally, standard travel requests do not require that receipts for per diem be retained but grant or third party funding exceptions may exist. The employee's Travel Coordinator shall assist in ensuring any such requirements are met by the employee.
- g. Emergency / Unexpected Travel:
1. Employees required to leave within one (1) business day of being informed of an authorized travel event shall adhere to the following procedure:
 - a. Emergency travel may require the employee to be reimbursed for all expenses.
 - b. Prior approval for emergency travel shall be obtained verbally from the employee's Division Chief when written approval is impractical.
 1. The employee shall cause an email to be generated, as soon as possible, and forwarded through the chain of command to the appropriate Division Chief.
 - c. After receiving approval, the employee shall contact his or her Travel Coordinator to begin the documentation process for the travel.
 1. The Travel Coordinator shall provide the employee with the Travel Cost Worksheet, DPD 720, and shall advise the employee to keep receipts for all reimbursable expenses except for per diem reimbursement.
 2. Upon return from travel, the employee shall submit an email detailing the travel and shall forward the Expense Report, ADM 9, along with all retained receipts through his or her chain-of-command.
 - d. Any employee who is unable to secure, at a minimum, verbal approval from their Division Chief or higher authority for emergency travel shall consider such travel request denied.
- h. Investigative / Covert Travel:

1. Employees traveling in conjunction with investigative activities where following the procedure for Standard Travel is impractical and doing so would compromise a case or jeopardize officer safety shall adhere to the following procedure:
 - a. Investigative / covert travel may require the employee to be reimbursed for all expenses.
 - b. Prior approval for investigative/covert travel shall be obtained verbally from the employee's Division Chief when written approval is impractical.
 1. The employee shall cause an email to be generated, as soon as possible, and forwarded through the chain of command to the appropriate Division Chief.
 - c. After receiving approval, the employee shall contact his or her Travel Coordinator to begin the documentation process for the travel.
 1. The Travel Coordinator shall provide the employee with the Travel Cost Worksheet, DPD 720, and shall advise the employee to keep receipts for all reimbursable expenses except for per diem reimbursement.
 2. Upon return from travel, the employee shall submit the Expense Report, ADM 9, along with all retained receipts through his or her chain of command.
 3. The employee shall also be required to submit an Outcome Statement on an Inter-Departmental Correspondence, DPD 200, which will be maintained by the specific Division, Bureau, or Unit for the purposes of justification and audit, if necessary.
 4. Any employee who is unable to secure, at a minimum, verbal approval from their Division Chief or higher authority for investigative/covert travel shall consider such travel request denied.

(6) Travel Costs

- a. Travel costs paid by a grant. In situations where the travel expenses are going to be paid from a grant, the allowable reimbursement amounts should be based on the grant requirements or these fiscal rules, whichever is more restrictive.
- b. Within fifteen (15) working days after completion of the trip, travelers are required to file with the expending authority the completed travel request form with the required receipts, or other substantiation acceptable under the I.R.C., showing all actual expenses incurred and the allowed M & IE per diem expenses.
- c. Only the following types of travel costs incurred by an employee during authorized travel are eligible for payment or reimbursement:
 1. Tuition / Registration Fees
 - a. Tuition for a class, registration fees for a seminar, conference or convention and other fees required to participate in an event are considered registration fees.
 - b. Optional tours, banquets, activities or excursions offered at the event may be paid for by the employee at his or her own expense.
 2. Transportation
 - a. Ground Transportation
 1. Private Vehicles
 - a. Employees shall obtain approval to use privately owned automobiles for travel, when flying is not practicable, from the Chief of Police or the Chief's designee.
 - b. Employees shall be reimbursed for the approved use of a privately owned automobile in the following manner, which ever is less:

1. The most reasonable round trip airfare available for the specific trip, or
 2. The reimbursement amount of the standard mileage rate allowed by the Internal Revenue Service multiplied by the number of miles traveled on official business.
 - c. Insurance requirements shall be consistent with the requirements of the Mayor's Executive Order No. 25, if applicable. The Director of Financial Services Bureau shall make such determinations.
 - d. When employees share the use of a privately owned automobile, only the employee who owns the automobile is entitled to reimbursement.
2. City Owned Vehicles
- a. Employees shall obtain approval to use City owned automobiles for travel from the Chief of Police or the Chief's designee. For the purposes of in-state travel, the Chief of Police has delegated the approving authority to the respective Division Chiefs.
 - b. Employees shall obtain, when available, a City gasoline credit card that may be used for gas, oil, and automobile-related expenses.
 1. Gas cards shall only be used for City owned vehicles.
 2. Gas cards shall be checked out from the Financial Services Bureau.
 3. Gas cards shall be returned to the Financial Services Bureau within forty-eight (48) hours upon returning from travel.
 4. All charges made to gas cards require that the original receipts be submitted to the Financial Services Bureau at the time the gas card is returned.
 - c. Employees incurring emergency automobile service or gasoline expenses during approved travel shall obtain receipts for all such expenses for reimbursement.
 - d. Employees shall make every effort to use City fuel and repair facilities to the extent practical.
 - e. Employees shall not take a City owned vehicle out-of-state without obtaining the proper insurance coverage.
3. Rental Cars
- a. Employees shall obtain approval to use rental cars for travel from the Chief of Police or the Chief's designee.
 - b. Employees shall limit requests for rental cars to circumstances where additional airfare and/or taxi costs exceed the cost of renting a car and where the use of a rental car is the most reasonable or time essential means of transportation between points of travel.
 - c. Employees seeking to justify the use of a rental car must demonstrate, to the satisfaction of the Chief of Police or the Chief's designee, the economic benefit to the Department and that personal convenience is not the sole factor.

- d. Employees approved for rental car use shall make reservations using the travel agency on the preferred provider list maintained by the Financial Services Bureau.
- e. Employees approved for rental car use are authorized to obtain economy or compact size vehicles. Employees requiring the use of a larger size vehicle shall include justification for such vehicle in the original travel request and will only obtain larger vehicles at the Department's expense with pre-approval.
- f. Employees will not be reimbursed for the cost of non-standard, supplemental equipment such as satellite radio, GPS, etc.
- g. Employees approved for rental car use shall obtain such vehicle at the lowest government rate available.
- h. Employees shall obtain rental car insurance for collision, liability, and loss of use.

b. Air Transportation

- 1. Employees shall obtain approval to use commercial air transportation from the Chief of Police or the Chief's designee.
- 2. Employees shall use commercial air transportation when it is the most efficient and economical mode of transportation. The use of personal or private aircraft shall not be authorized or allowed. The use of corporate or chartered aircraft will only be permitted for essential travel where time constraints make all other modes of transportation unfeasible.
- 3. Employees shall consider the costs, out-of-pocket expenses plus the cost of time spent traveling, to drive versus to fly and shall choose the lesser of the two. The Chief of Police may authorize a deviation from this requirement on a case-by-case basis.
- 4. Employees approved for air transportation shall first attempt to make reservations with the current voucher program airline. If the voucher program airline does not service the travel destination or is unable to accommodate the travel dates, the employees shall then make reservations using the travel agency on the preferred provider list maintained by the Financial Services Bureau.
- 5. Employees approved for air transportation shall be compensated for coach fare rates on tickets only. Airline travel insurance is considered a personal traveler expense.

3. Lodging

- a. Employees shall obtain approval for lodging from the Chief of Police or the Chief's designee prior to travel.
- b. Employees approved for lodging shall make reservations using the travel agency on the preferred provider list maintained by the Financial Services Bureau.
- c. In general, employees shall select commercial lodging on the basis of the most reasonably priced accommodations available consistent with the purpose and goals of the trip and budgetary limitations.
- d. Employees shall stay in medium-priced, economical and practical commercial lodging and, whenever applicable, charged at the government rate.
- e. Employees attending a conference, seminar or convention that has recommended hotels shall be compensated for the convention rate when staying at the recommended hotel, if the rate is available.

- f. When traveling alone, employees shall be compensated the cost of a single room only for hotel and motel lodging for the authorized number of days.
 - g. When sharing a room, employees shall be compensated for the double room rate divided equally between the employees.
 - h. Multiple employees traveling together may be approved to stay in single rooms at the discretion of the Division Chief and within the confines of the requirements of the funding source.
4. Meals and Incidental Expenses
- a. Meals and incidental expenses shall be reimbursed at a flat per diem rate as listed on the U.S. Governmental Services Administration website at www.gsa.gov for approved travel events beyond the six-county metropolitan Denver area in the following manner:
 - 1. Employees shall be compensated a flat per diem rate per day for all travel days extending beyond eight (8) hours in one (1) calendar day. (Greater than 8 hours travel in one (1) day = Full Per Diem)
 - 2. Employees shall be compensated for one-half (1/2) the applicable per diem rate per day for all travel days when travel meets or exceeds four (4) hours but is less than eight (8) hours. (Greater than or equal to 4 hours but less than 8 hours travel in one (1) day = Half Per Diem)
 - 3. Employees shall not be compensated for the per diem allowance when more than one (1) meal a day is included in a registration fee, transportation fares, official city functions, or is otherwise furnished at no cost to the traveler for that event day. (Example: A seminar includes breakfast and lunch in the registration fee; the employee is not entitled to a per diem allowance.)
 - 4. Employees shall not be compensated for per diem on a travel day when travel is less than four (4) hours. (Less than 4 hours travel in one (1) day = No Per Diem)
 - 5. Employees shall not be compensated for the per diem allowance for *Local* travel as defined in OMS 507.01(4)g.
 - 6. Employees shall generally not be compensated for the per diem allowance for *Limited* travel as defined in OMS 507.01(4)f but consideration may be given on a case by case basis through the chain of command.
 - 7. For the purposes of this policy, continental breakfasts shall not be considered meals.
5. Communication Costs
- a. Employees shall be compensated for telephone and facsimile transmission charges when conducting required and official Departmental business.
 - b. Employees shall not be compensated for communication expenses that are incurred unnecessarily.
6. Other Allowable Expenses
- a. Employees may be compensated for other necessary, allowable expenses incurred during travel which include, but are not limited to, sales tax when the Department's exemption certificate is not accepted, laundry service, cleaning and pressing of clothing, parking (including mandatory valet service fees), tolls, books or tapes required for authorized training, etc., so long as the expense is reasonable, necessary, of direct benefit to the Department.
 - b. Employees must have receipts for other allowable expenses in order to apply for reimbursement.

NEW 1-09

- a. While nothing in this policy precludes an employee from paying for travel expenses out of personal funds and being reimbursed after travel, Individual Travel Card usage is the preferred method of paying for all authorized travel expenses with the exception of airfare.
- b. It is the policy of the Denver Police Department to deny cash advances for any travel expenses.
- c. Division Travel Coordinator Responsibility
 - 1. Division Travel Coordinators shall:
 - a. Successfully complete training provided by the Department Financial Services Bureau.
 - b. Assist employees with applying for and obtaining individual travel cards.
 - c. Physically maintain travel cards in a secure location.
 - d. Maintain a current inventory of travel cards.
 - e. Check-out travel cards at the time of travel.
 - f. Ensure travel cards are returned within four (4) days of returning from travel.
 - g. Cancel / destroy individual travel card when:
 - 1. The employee terminates employment with the Department, or
 - 2. Upon order of the Chief of Police.
- d. Traveler Responsibility
 - 1. Employees shall:
 - a. Apply for and obtain a travel card if not willing to use personal funds for travel.
 - b. Successfully complete training provided by the Denver Police Department financial Services Bureau.
 - c. Only charge approved and authorized travel expenses to the account as described in this policy.
 - d. Agree that activity on a travel card is public information and may be reviewed by other individuals including but not limited to command staff, the Denver Police Department Financial Services Bureau, City of Denver Purchasing, and the City and County of Denver Auditor's Office.
 - e. Limit ATM usage to once every three (3) days and limit withdrawals to within \$50 of the per diem limit.
 - f. Check-out travel cards no more than three (3) days prior to travel from their respective Travel Coordinator.
 - g. Return travel cards to their respective Travel Coordinator within four (4) days of returning from travel.
 - h. Apply for reimbursement from the City.
 - i. Pay all late charges and interest for failing to pay the travel card bill within the statement payment period when reimbursement has been received by the employee for all approved travel expenses.
 - j. Surrender travel cards when employment with the Denver Police Department is suspended or terminated.
 - k. Surrender travel cards immediately upon order of their respective Travel Coordinator or a command officer.
- e. Application
 - 1. Travel Coordinators shall identify frequent travelers and officers of the rank of Captain and above under their supervision and shall assist any who may want a travel card with obtaining one.

2. Any employee anticipating requesting travel shall contact their respective Travel Coordinator prior to travel being approved and shall discuss the option of obtaining, and possibly applying for, an individual travel card.
 3. Employees applying for individual travel cards shall complete training and follow the procedures established by the Department Financial Services Bureau.
 4. Employees will not have a credit check conducted when applying for an individual travel card and balances less than sixty (60) days will not be reported on employees' credit reports.
 5. Individual travel cards are issued in the applying employee's name.
- f. Authorized Use
1. Employees are permitted to charge all authorized travel expenses to the individual travel card with the exception of airfare.
 2. Employees shall not charge any of the following to an individual travel card:
 - a. Airline ticket
 - b. Items purchased for personal use
 - c. Alcohol
 - d. Other restricted purchases
- (8) Travel Coordinators
- a. Responsibilities
1. Shall have a thorough understanding of the City's travel rules and regulations and the Department's travel policy. This includes all travel related sections of the Internal Revenue Code, State of Colorado regulations, the Denver Revised Municipal Code, the Denver City Charter, the City of Denver's Code of Ethics, and the City of Denver's Fiscal Accountability Rules.
 2. Shall assist employees with assembling travel requests and shall review all travel requests prior to being submitted to the employee's chain of command. In the event the Travel Coordinator is unavailable, the paperwork shall be reviewed by the Financial Services Bureau.
 3. Shall assist employees with reconciling the Travel Cost Worksheet, DPD 720, with the Expense Report, ADM 9, and ensuring the Expense Report, ADM 9, is submitted properly.
 4. Shall maintain travel cards in accordance with OMS 507.01(7)c.
- (9) Canceling Travel
- a. Employees shall not cancel travel arrangements for which payments have been made by the Department and for which refunds are due to the City in the absence of an unforeseen emergency without the prior approval of the Chief of Police through the chain of command. For instances where no refunds are due, the prior approval shall be obtained from the officer's Division Chief.
 - b. Employees may request a cancellation of travel arrangements for which payments have not been made by the Department through their chain of command.
 - c. Travel Coordinators shall assist an employee's Commander or Captain to make every effort to send a substitute if travel arrangements must otherwise be cancelled.
- (10) Traveling
- a. General Procedure
1. Employees shall take the most direct and commonly traveled routes to all approved destinations and shall not take indirect routes or make extended stops along the way at cost to the Department, or incur in-transit lodging expense for personal or unofficial reasons.

NEW 1-09

2. Employees shall only take indirect routes to approved destinations on official business and only with prior approval of the Chief of Police or the Chief's designee.
3. Employees who incur lodging and/or meal expense, in-transit, that does not occur as the result of an emergency situation (i.e., natural disaster, terrorist attack, etc.) shall be required to demonstrate that the total cost of the in-transit portion of the trip is no more than the most reasonable airfare for travel between the point of departure and the approved destination.

b. Overtime on Special Assignment Days

1. All overtime work must be approved by the employee's supervisor prior to the work being performed.

(11) Payment Methods

a. Individual Travel Cards

1. Reservations for all travel costs, other than airfare, may be made using the Individual Travel Card.

b. Personal Credit Card or Other Personal Funds

1. The employee may use personal funds to pay all travel costs and seek reimbursement of approved expenses after travel.

c. Approved non-voucher program air transportation may be made using the travel agency's card number which will be provided by the Department Financial Services Bureau.

(12) Documentation and Reconciliation

a. The Department Financial Services Bureau shall maintain current travel form templates and training information to assist Travel Coordinators and other employees with travel related issues.

b. Travel Coordinators shall assist other employees with filing all travel related documents.

(13) User Committee

a. The User Committee shall be established by order of the Chief of Police for the following:

1. To review travel practices for potential improvements.
2. To review the Department's travel policy for potential improvements.
3. To address any travel related issues deemed necessary by the Chief of Police or the Deputy Chief of Administration.

b. The User Committee shall meet annually or more frequently at the request of the Chief of Police or Deputy Chief of Administration.

c. The User Committee shall be composed of the following members:

1. Deputy Chief of Administration shall serve as chair.
2. Financial Services Bureau Director shall serve as co-chair.
3. All Division Travel Coordinators shall serve as members.

**RULES AND REGULATIONS
FOR THE**

**POLICE DEPARTMENT
OF THE CITY AND COUNTY
DENVER, COLORADO**

Effective 1st Day of May 1972

**Approved by the
City Attorney
Executive Director of Safety
Chief of Police**

RULES AND REGULATIONS

Table of Contents

Oath of Office
Code of Ethics
Terminology
Preamble

RR – 100 Conduct

- 101 Deleted 10/2008**
- 102 Deleted 10/2008**
- 102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders
- 102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals
- 103 Aid Another to Violate Rule
- 104 Deleted 06/2015**
- 105 Conduct Prejudicial
- 106 Deleted 10/2008**
- 106.1 Immoral Conduct
- 106.2 Sexual Misconduct
- 107 Always on Duty
- 108 Deleted 10/2008**
- 108.1 Plainclothes Officers - Identification
- 108.2 Protecting Identity of Undercover Officers
- 109 Deleted 10/2008**
- 109.1 Commission of an Offensive Act While Intoxicated
- 109.2 Unfit for Duty
- 109.3 Drinking on Duty or While in Uniform
- 109.4 Under the Influence
- 110 Deleted 10/2008**
- 111 Controlled Substances
- 112 Deleted 10/2008**
- 112.1 Misleading or Inaccurate Statement
- 112.2 Commission of a Deceptive Act
- 113 Deleted 10/2008**
- 114 Intimidation of Persons
- 115 Deleted 10/2008**
- 115.1 Conduct Prohibited by Law
- 115.2 Aggravated Conduct Prohibited by Law
- 116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law
- 117 Disobedience of an Order
- 118 Deleted 10/2008**
- 119 Sleeping on Duty
- 120 Appropriating Property
- 121 Off Duty in Uniform
- 122 Deleted 10/2008**
- 122.1 Respect for Fellow Officer
- 122.2 Abuse of Fellow Officer
- 122.3 Insubordination
- 123 Assault of Fellow Officer
- 124 Deleted 10/2008**
- 125 Punctuality (Scheduled Discipline)

RR – 100 Conduct (Continued)

- 126 Amusement Places Restrictions
- 127 Responsibilities to Serve Public
- 128 Deleted 10/2008**

- 128.1 Impartial Attitude
- 128.2 Impartial Attitude - Bias
- 129 Giving Name and Badge Number
- 130 Deleted 10/2008**
- 130.1 Failure to Aid or Protect Fellow Officers - Unreasonable
- 130.2 Failure to Aid or Protect Fellow Officers - Intentional or Reckless
- 131 Deleted 10/2008**
- 132 Purchase of Forfeited Property
- 133 Deleted 10/2008**
- 134 Deleted 8/2004**
- 135 Deleted 4/2004**
- 136 Use of Tobacco Products in Police Facilities
- 137 Collective Bargaining Fair Share Fee
- 138 Discrimination, Harassment, and Retaliation
- 139 Deleted 10/2008**
- 140.1 Discourtesy
- 140.2 Verbal Assault and Abuse of the Public
- 141.1 Prohibited Associations
- 141.2 Reporting of Prohibited Associations
- 142 Soliciting Preferential Treatment

RR - 200 Rewards and Gratuities

- 201 Deleted 10/2008**
- 202 Soliciting or Accepting a Bribe
- 203 Accepting Gifts from Persons of Bad Character
- 204 Soliciting, Accepting Gifts, Gratuities
- 205 Giving Testimonials, Seeking Publicity
- 206 Soliciting Business

RR - 300 Use of Force and Arrests

- 301 Deleted 10/2008**
- 302 Personal Family Disputes
- 303 Trivial Offenses
- 304 Traffic Enforcement When Not in Uniform
- 305 Duty to Protect Prisoner
- 306 Inappropriate Force
- 307 Posting Bail
- 308 Aiding an Escapee
- 309 Deleted 10/2008**
- 309.1 Suggesting Bondsmen or Attorneys
- 309.2 Suggesting Bondsmen or Attorneys for Profit
- 310 Mistreatment of Prisoners/Suspects
- 311 Deleted 10/2008**
- 311.1 Compromising Criminal Cases
- 311.2 Interference with Prosecution
- 312 Deleted 10/2008**
- 312.1 Interfering with Case Assigned to Other Officers
- 312.2 Interfering with Internal Investigation/Questioning
- 312.3 Failure to Provide a Statement
- 313 Deleted 10/2008**
- 314 Providing Assistance Outside the City

RR - 400 Firearms

- 401 Display of Firearms
- 402 Careless Handling of Firearms or Less Lethal Weapons
- 403 Restrictions on Auxiliary Weapons

RR - 500 Court

- 501 Personal Appearance in Court
- 502 Attendance in Court (Scheduled Discipline)

RR - 600 Reports, Communications, Evidence, and Discovery

- 601 Deleted 10/2008**
- 601.1 Communication of Confidential Information, Generally
- 601.2 Communication of Confidential Information that Jeopardizes a Police Action
- 602 Deleted 10/2008**
- 603 Destruction of Evidence
- 604 Deleted 10/2008**
- 605 Removal of Reports and Records
- 606 Destruction of Reports or Records
- 607 Failure to Make, File, or Complete Official Required Reports
- 608 Deleted 10/2008**
- 609 Altering Information on Official Documents
- 610 Deleted 10/2008**
- 611 Deleted 10/2008**
- 612 Answer to Official Communications
- 613 Unauthorized Use of Department Letterheads
- 614 Publication of Articles
- 615 Deleted 10/2008**
- 616 Police Bulletin
- 617 Compliance with Discovery Requirements

RR - 700 Political Activities

- 701 Deleted 10/2008**
- 702 Using Police Position to Gain Political Office
- 703 Soliciting Money for Political Purposes
- 704 Soliciting for Promotion, Appointment
- 705 Deleted 10/2008**
- 706 Deleted 10/2008**

RR - 800 Uniforms and Equipment

- 801 Deleted 10/2008**
- 802 Uniform Restrictions While Off Duty
- 803 Uniform Restrictions for Officers Under Suspension
- 804 Exercise of Authority While Under Suspension
- 805 Equipment Carried on Person
- 806 Deleted 10/2008**
- 806.1 Alteration of Badge Prohibited
- 806.2 Use of Badge by Person Other Than an Officer
- 807 Loss or Damage to Badge
- 808 Equipment and Property Restrictions on Use
- 809 Rough or Careless Handling of City, Departmental, or Outside Agency Property
(Scheduled Discipline as it relates to Preventable Accidents)

RR - 900 Vehicle Operation

- 901 Deleted 10/2008**
- 902 Department Vehicle Operation

RR - 1000 Civil Cases

- 1001 Testifying in Civil Cases
- 1002 Service of Civil Process
- 1003 Initiation of Civil Cases
- 1004 Testifying for Defendant

RR - 1100 Leave, Sickness, and Injury

- 1101 Reporting Absence Prior to Roll Call
- 1102 Reporting for Duty

1103	Constructive Resignation
1104	Location When Ill
1105	Reporting During Illness or Injury
1106	Feigning Illness or Injury
1107	Physical or Mental Examination
1108	Release of Medical Information
1109	Deleted 10/2008

RR - 1200 P.O.S.T. Certification of Officers

1201	P.O.S.T. Certification Required
------	---------------------------------

**POLICE OFFICER'S
OATH
City and County of Denver
State of Colorado**

I do solemnly swear by the ever-loving God that I will support the Laws and Constitution of the United States and of the State of Colorado, and the Charter and Ordinances of the City and County of Denver; and that I will faithfully perform the duties of the office of Police Officer of the City and County of Denver, to which I have been appointed.

Denver Police Department

**LAW ENFORCEMENT
CODE OF ETHICS**

As a Law Enforcement Officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

TERMINOLOGY

Absent Without Leave (AWOL) - Failure to report for duty without proper and sufficient reason, and without securing proper approval in advance.

Acting - Serving temporarily in a position to which the member is not ordinarily assigned usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position devolve upon the acting member.

Annual Leave - The vacation granted all members once each year.

Beat - An area assigned for foot patrol.

Chain of Command - The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command, down to the level of execution, and return.

CSA/Civilian Employees - Employees who are not in the Classified Service.

Classified Service - All positions and their classification which are under police civil service.

Daily Bulletin - The official publication of the Department. All directions contained in the bulletin have the force and effect of Department orders.

Directive - Permanent written orders issued by the Chief of Police, Deputy Chief, Bureau, District, Division, Section, or Unit Commander intended to guide the operations of the Department, Division, Bureau, District, Division, Section, or Unit under their command.

Discharge - The act of dispensing with or terminating the services of a member.

Discovery - Disclosure of all evidence and information related to any investigation within the scope of the Colorado Rules of Criminal Procedure and the Colorado Municipal Court Rules of Procedure.

District - A section of the city in which operates a police unit subordinate to the Deputy Chief of Operations, and the Chief of Police.

District Commander - A Lieutenant or Captain assigned as a commanding officer in charge of a district station and district police personnel.

District Station - The police building that houses or serves district police personnel.

Emergency Procedure Plan - The plan of organization and disposition of personnel of the Department in coping with a major disaster, catastrophe, or civil disturbance.

Headquarters - The center of administrative operations and authority.

Immediately - The term is to be construed to mean as soon as possible and practical.

Incompetence - Incapable of satisfactory performance of police duties.

Inquest - The investigation of death conducted by the Medical Examiner's office.

Insubordination - The willful disobedience of any lawfully issued order by a superior officer, or any disrespectful, mutinous, insolent, or abusive language toward a superior officer.

Leave of Absence - An extended period during which an officer is granted leave from active duty without pay.

Leave - Death - The period of time during which an officer is excused from active duty by reason of the death of a near relative.

Leave - Military - A leave granted to serve in any of the recognized branches of Military Service.

Leave - Period - The rest period granted each 28-day work period during which the member is free from the performance of his/her regular duties.

Leave - Sick - The period of time during which an officer is granted leave from active duty by reason of illness or injury, or days in excess of required accumulated reserve.

Line Operation - All activities in which division members are engaged that directly affect the accomplishment of the police purpose. Line operations include; Patrol, Major Crimes, Investigative Support and Special Operations Divisions.

Medical Examiner Investigator - An investigator who represents or accompanies the Medical Examiner.

His/her duties are to gather factual information and evidence relative to the circumstances of death.

Member - All persons in the Classified Service on the Police Department payroll and the Chief of Police.

Neglect of Duty - Failure to give suitable attention to the performance of duty.

Off Duty - The state of a member during the rest period when he/she is free of the responsibility of performing his/her usual routine duties.

Officers - Members of the Department generally without regard to rank, division, sex, or duty. Wherever applicable, all references to he shall include she.

Off the Air – In service but not available for radio communication.

On the Air - In service with the radio equipment in operation.

On Duty - The state of a member during the period of the day (shift) when he/she is actively engaged in the performance of his/her duty.

Operations Manual - A manual prepared under the direction of the Chief of Police to outline in detail the current operating procedures of the Department.

Order - A command or instruction given by a superior to a subordinate. It may be oral or written.

Out of Service - On duty but not available for radio call or other assignment because of previous assignment, on sight police action, car trouble, etc.

Out on Traffic - Temporarily out of service but maintaining radio communication. Out on traffic for a one person car is the same as out of service.

Patrol Car - A car used by an officer in the performance of his/her patrol duties, generally, a recognizable police vehicle. A "marked car".

Plain Clothes Officer - "Any officer whose duties require him/her to wear non-uniform attire during the performance of their duties."

Post - A fixed point or location to which officers are assigned for duty.

Precinct - An area within a district assigned for motor patrol.

Procedure - It is a prescribed method of dealing with a given situation.

Report - A written or electronic communication, unless otherwise specified, relating to police matters.

Reserve Officer - A civilian who receives no pay for his/her services and whose duties are to assist the Police Department as an auxiliary officer when needed.

Rules and Regulations - A directive issued by the Chief of Police and approved by the Executive Director of Safety setting forth the rules, regulations, and procedures under which the police department will discharge its responsibilities and regulate the conduct of its officers and personnel.

Shift - The period during which an officer is on duty.

Solo Motorcycle - A two wheeled motorcycle.

Special Detail - Officers, from one or more units, grouped together for a specified mission.

Special Duty - Police service, the nature of which may require that the member be excused from the performance of his/her regular duties.

Special Orders - Written order issued by the Chief of Police of a temporary nature that ordinarily does not affect the entire Department.

Staff Supervision – The supervision by a superior officer of a subordinate not under his/her direct command for the purpose of fulfilling the staff operations of the Department.

Supervisory Officer - Officers assigned to positions requiring the exercise of immediate supervision over the activities of other officers or employees.

Superior Officer - All officers with the rank of Sergeant, Lieutenant, Captain, Commander, Deputy Chief or the Chief of Police.

Through Official Channels - Through the hands of superior officers in the chain of command.

Tour of Duty - The shift during which an individual member is on duty.

Uniformed Officer - Denoting an officer who wears a regulation police uniform.

Unmarked Car - A patrol car used by the uniformed or detective personnel with no recognizable police decals, lights or siren exposed.

RULES AND REGULATIONS

PREAMBLE

Officers shall obey all Departmental rules, duties, procedures, instructions, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders. Failure to comply with any of the Rules and Regulations of the Denver Police Department shall be construed a violation. Members in violation shall be subject to disciplinary action. The following provisions of conduct shall be construed as a rule violation of the Operations Manual and Directives and Orders of the Denver Police Department, but not by way of limitation.

RR-100 Conduct

RR-101 Deleted 10/2008

RR-102 Deleted 10/2008

RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders

Officers shall obey all Departmental rules, duties, procedures, instructions, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders.

RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals

Any former DPD officer:

- a. who has been separated from employment with DPD due to a disciplinary action or disqualification; and
- b. who has a pending appeal of that disciplinary action or disqualification, or whose time to file such appeal has not yet expired shall, during the time the appeal is pending or the time for appeal has not expired, obey all state and federal statutes, municipal ordinances, the Charter of the City and County of Denver, DPD rules and regulations, and orders issued to the officer by the Department that were in effect at the time of the officer's separation from DPD. If any former officer who violates this rule subsequently regains employment with the Department, by any means including an order of reinstatement, the Department may take disciplinary action against the former officer upon such return to service.

RR-103 Aid Another to Violate Rule

Officers shall not aid, abet or incite another in the violation of the rules, duties, orders, or procedures of the Department.

RR-104 Deleted 06/2015

RR-105 Conduct Prejudicial

Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer which:

- a. May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or
- b. Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.

RR-106 Deleted 10/2008

RR-106.1 Immoral Conduct

Officers shall not participate in any immoral, indecent, or lewd conduct.

RR-106.2 Sexual Misconduct

While on duty, an officer shall not engage in any conduct or solicit another to engage in any conduct for the purpose of sexual gratification, sexual humiliation or sexual abuse. The same conduct is also prohibited while off duty, either in uniform in a public place or in any vehicle or facility to which an officer has access by virtue of the officer's police authority. The consent of another to engage in such sexual conduct or sexual acts is immaterial.

- RR-107 Always on Duty**
Officers are held to be always on duty, although periodically relieved from the routine performance of it. They are always subject to orders from a supervisory officer and subject to calls from private persons. The fact that they may be technically off duty shall not relieve them from the responsibility of taking proper police action in any matter coming to their attention. When there is no urgent or immediate need for police action, they may request the dispatcher to turn the matter over to officers on duty in the district; but they shall take such police action as may be required prior to the arrival of the dispatched officers.
- RR-108 Deleted 10/2008**
- RR-108.1 Plainclothes Officers – Identification**
Members in plain clothes on or off duty shall promptly identify themselves when the necessity arises. At the scene of an emergency where it is desirable to display the badge continuously, it shall be attached to the outer-most garment.
- RR-108.2 Protecting Identity of Undercover Officers**
Uniformed officers shall not acknowledge a member in civilian clothes unless first addressed.
- RR-109 Deleted 10/2008**
- RR-109.1 Commission of an Offensive Act While Intoxicated**
Officers shall not consume any intoxicating substance while off duty to an extent that results in the commission of an obnoxious or offensive act that might tend to bring discredit upon the Department.
- RR-109.2 Unfit for Duty**
Officers shall not consume any substance while off duty to an extent that renders them unfit to report for his or her regular duty or on call shift.
- RR-109.3 Drinking on Duty or While in Uniform**
Officers shall not consume any intoxicating substance while on duty either in or out of uniform, or off duty while in uniform, except when necessary and authorized in the performance of duty.
- RR-109.4 Under the Influence**
Officers shall not consume any substance, while on duty either in or out of uniform, such that they are legally impaired except when necessary and authorized in the performance of duty.
- RR-110 Deleted 10/2008**
- RR-111 Controlled Substances**
Officers shall not use or possess any controlled substance as such substances are defined under Colorado Revised Statutes, except according to prescription and under the supervision of a licensed medical professional. Notwithstanding Colorado Constitutional Amendments 20 and 64, officers shall not use or possess marijuana, medical or otherwise, regardless of duty status.
- RR-112 Deleted 10/2008**
- RR-112.1 Misleading or Inaccurate Statements**
Officers shall not knowingly make a misleading or inaccurate statement relating to their official duties.
- RR-112.2 Commission of a Deceptive Act**
In connection with any investigation or any judicial or administrative proceeding, officers shall not knowingly commit a materially deceptive act.
- RR-113 Deleted 10/2008**
- RR-114 Intimidation of Persons**
Officers shall not intimidate any person for personal reasons under the color of authority.
- RR-115 Deleted 10/2008**
- RR-115.1 Conduct Prohibited by Law**
Officers shall obey the Charter of the City and County of Denver, all City ordinances, all state and federal statutes, all lawful court orders, and all other applicable laws whether criminal, civil, traffic, or administrative.

- RR-115.2 Aggravated Conduct Prohibited by Law**
Officers shall obey all state and federal statutes, specifically as they involve:
- a. Any felonious conduct;
 - b. Any conduct prohibited as a Class One Misdemeanor; or,
 - c. Any criminal conduct committed on duty or under color of authority.
- RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law**
Officers shall not conspire with another person or persons to commit any act in violation of a City ordinance, state, or federal statute.
- RR-117 Disobedience of an Order**
Officers shall obey any order lawfully issued by a supervisory or command officer.
- RR-118 Deleted 10/2008**
- RR-119 Sleeping on Duty**
Officers shall not sleep on duty.
- RR-120 Appropriating Property**
Officers shall not appropriate any lost, found, seized, or forfeited evidential, City or Departmental property to their own use.
- RR-121 Off Duty in Uniform**
Officers, while off duty and in uniform, shall conduct themselves as if they were on duty.
- RR-122 Deleted 10/2008**
- RR-122.1 Respect for Fellow Officer**
Officers shall treat other members of the Department with the respect due to them as fellow officers.
- RR-122.2 Abuse of Fellow Officers**
Officers shall not be abusive toward a fellow officer, regardless of rank.
- RR-122.3 Insubordination**
Officers shall recognize and accept the authority of superior officers and shall refrain from uttering any disrespectful, mutinous, insolent, or abusive language toward a supervisor or command officer.
- RR-123 Assault of Fellow Officer**
Officers shall not threaten, strike, or assault any other officer of the Department.
- RR-124 Deleted 10/2008**
- RR-125 Punctuality (Scheduled Discipline)**
Members of the Department must be punctual in reporting for duty, attendance to all calls, requirements of duty, court appearances, and other circumstances where time is specified.
- RR-126 Amusement Places Restrictions**
Officers on duty shall not enter any place of amusement or liquor establishment except when necessary in the performance of duty or periodic inspection. (Officers are not prohibited from eating in restaurants which are licensed to serve liquor.)
- RR-127 Responsibilities to Serve Public**
Members shall serve the public by direction, counsel, and in other ways that do not interfere with the discharge of their police responsibilities. They shall respect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgment.
- RR-128 Deleted 10/2008**
- RR-128.1 Impartial Attitude**
Members, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants and violators.

- RR-128.2 Impartial Attitude – Bias**
Members shall at all times consider it their duty to be of service to anyone who may be in danger or distress, regardless of race, color, creed, national origin, gender, age, sexual orientation, ancestry, physical or mental disability, marital status, military status, political affiliation, or religion.
- RR-129 Giving Name and Badge Number**
When a reasonable request is made for an officer's name, badge number or assignment, the officer shall provide a business card or the information in writing to any violator or person, unless such action is likely to jeopardize the successful completion of a police assignment. Business cards are required to be provided, without being asked, to any person that an officer has detained in a traffic stop if that person is not cited or arrested. Refer to OMS 118.02(4) for more information.
- RR-130 Deleted 10/2008**
- RR-130.1 Failure to Aid or Protect Fellow Officers – Unreasonable**
Members of the Department shall not unreasonably fail to assist and protect each other in restoring peace and order, apprehending offenders, or enforcing the law.
- RR-130.2 Failure to Aid or Protect Fellow Officers – Intentional or Reckless**
Members of the Department shall not intentionally or recklessly fail to assist and protect each other in restoring peace and order, apprehending offenders, or enforcing the law.
- RR-131 Deleted 10/2008**
- RR-132 Purchase of Forfeited Property**
Officers shall not purchase or attempt to purchase any item or property which they know has been seized by a criminal justice agency and legally forfeited. This shall include the purchase of a previously forfeited item or property which is offered for resale by a private retail vendor.
- RR-133 Deleted 10/2008**
- RR-134 Deleted 8/2004**
- RR-135 Deleted 4/2004**
- RR-136 Use of Tobacco Products in Police Facilities**
No member of the Classified Service, Career Service employee, contract employee of the City and County of Denver, or any other person shall use tobacco products in any police facility.

"Tobacco products," as used herein, include but are not limited to: burning cigarettes, cigars, cigarillos, and pipe tobacco.

The use of tobacco products means consumption by inhalation of any burning tobacco product or any other burning material manufactured, grown, or intended for use in a manner similar to that of cigarettes, cigars, cigarillos, or pipe tobacco.

"Police facility", as used herein, means any interior part of the Police Administration Building, District Station, or any satellite office used by any unit, section, bureau, or division of the Police Department. All supervisory and command officers shall strictly enforce this regulation and shall themselves be subject to discipline for their failure to do so.
- RR-137 Collective Bargaining Fair Share Fee**
Article IX, part 8 of the City and County of Denver Charter establishes collective bargaining for all members of the Classified Service of the Police Department and authorizes the negotiation of a fair share fee to be paid to the bargaining representative. As long as the Collective Bargaining Agreement is in force, all members of the Classified Service who are not dues paying members of the Denver Police Protective Association (DPPA), are required, as a condition of employment, to pay the designated fair share fee to the DPPA in accordance with the policy of the DPPA and Articles 5.2, 5.3, and 5.4 of the Collective Bargaining Agreement. Failure to pay the designated fair share fee to the Association will be grounds for disciplinary action, including termination.

- RR-138 Discrimination, Harassment, and Retaliation**
Members of the Department are expressly prohibited from engaging in any form of discrimination, harassment, or retaliation, based on any class or personal characteristic protected by federal, state, or local law, or otherwise violating the Department of Safety EEO Policy found in section 117.05, the Protected Information Policy found in section 117.06, the Biased Policing Policy Statement found in section 118.01, the Biased Policing Policy found in section 118.02, or the Equal Employment Opportunity for Individuals with Disabilities Policy found in section 505.13 of the Denver Police Operations Manual.
- RR-139 Deleted 10/2008**
- RR-140.1 Discourtesy**
Officers shall at all times be courteous and civil to the public. They shall be orderly, attentive, respectful, and exercise patience and discretion in the performance of their duties.
- RR-140.2 Verbal Assault and Abuse of the Public**
Officers shall not verbally assault, berate or verbally abuse any member of the public.
- RR-141.1 Prohibited Associations**
Officers shall not knowingly fraternize, associate, or continue to associate with any person whom the officer reasonably believes to be engaging in or planning to commit criminal activities where further contact with such individual(s) is reasonably likely to damage public trust; adversely affect the officer's credibility or integrity; or create the appearance of impropriety, a conflict of interest, or corruptive behavior. The only exceptions to this rule will be interactions in accordance with authorized DPD duties and relationships, including immediate family members, where the relationship has been approved by the Chief of Police or the Chief's designee as per RR-141.2.
- RR-141.2 Reporting of Prohibited Associations**
All potentially prohibited associations identified in RR-141.1 except those involving authorized DPD duties shall be promptly reported in writing to the Chief of Police or the Chief's designee. Failure to promptly report such an association shall subject an officer to possible disciplinary action. The Chief, upon receipt of the written report, shall make a determination whether further contact is reasonably likely to damage the public trust; adversely affect the officer's credibility or integrity; or create the appearance of impropriety, a conflict of interest, or corruptive behavior. If such a determination is made, the Chief or the Chief's designee may then reasonably prohibit or limit such future contacts. Otherwise, the Chief or designee may expressly authorize the continued association.
- RR-142 Soliciting Preferential Treatment**
Officers shall not attempt to use their position as Department members (including displaying a badge or identifying themselves as Department members): (i) to solicit or to attempt to solicit any preferential treatment not extended to the general public; or (ii) to solicit or attempt to obtain any benefit to which they would not otherwise be entitled except in furtherance of official duties or as allowed by Department or City rule, policy, procedure or authorized practice.

RR-200 REWARDS AND GRATUITIES

RR-201 Deleted 10/2008

RR-202 Soliciting or Accepting a Bribe
Officers shall not solicit or accept a bribe.

RR-203 Accepting Gifts from Persons of Bad Character
Officers shall not knowingly receive anything of value whatsoever or services, whether as a gift or as the result of purchase or trade, from suspects, prisoners, arrestees, prostitutes, or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons.

RR-204 Soliciting, Accepting Gifts, Gratuities
Individual members shall not solicit or accept any money, gift, gratuity, loan, present, or fee in connection with their duties as a Denver police officer or in representing the Denver Police Department, except as permitted by the Denver Ethics Code. With written approval of the Chief of Police, some recognized and sanctioned forms of soliciting funds or goods for a benevolent or charitable cause by members will be permitted.

RR-205 Giving Testimonials, Seeking Publicity
Members shall not give testimonials or permit their names or photographs to be used for advertising purposes without the approval of the Chief of Police. Members shall not seek personal publicity either directly or indirectly in the course of their employment.

RR-206 Soliciting Business
Members shall not solicit subscriptions; sell books, papers, tickets, merchandise, or other things; or collect or receive money or other things of value from the public for any purpose whatsoever, while on duty or in uniform or representing oneself as a member of the Department, except as authorized by the Chief of Police.

RR-300 USE OF FORCE AND ARRESTS

RR-301 Deleted 10/2008

RR-302 Personal Family Disputes
Officers shall not take police action or make arrests in their own quarrels or in those involving their families or their neighbors, except under such circumstances as would justify them in using self defense or to prevent injury to another or when a serious offense has been committed.

RR-303 Trivial Offenses
Officers shall not make arrests for offenses when a warning or citation would suffice.

RR-304 Traffic Enforcement When Not in Uniform
Unless in uniform and operating a police vehicle, or performing police secondary employment in uniform, off-duty officers shall not arrest or issue citations, verbal warnings, or written warning citations for minor traffic offenses. Off-duty officers who witness a serious or flagrant violation will, when practical, summon on-duty personnel to execute a stop of the violator, and must confer with an on-duty supervisor to obtain approval prior to issuing a citation or arresting the violator.

RR-305 Duty to Protect Prisoner
Officers shall not physically abuse a prisoner and shall not allow a prisoner in their custody to be physically abused by any person.

RR-306 Inappropriate Force
Officers shall not use inappropriate force in making an arrest or in dealing with a prisoner or any other person.

RR-307 Posting Bail
Officers shall not post bail for any person arrested, except members of their own immediate families.

- RR-308 Aiding an Escapee**
Officers shall not aid or abet any prisoner to escape
- RR-309 Deleted 10/2008**
- RR-309.1 Suggesting Bondsmen or Attorneys**
Officers shall not suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested, except to members of their own immediate families.
- RR-309.2 Suggesting Bondsmen or Attorneys for Profit**
Officers shall not, for personal gain or benefit, suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested.
- RR-310 Mistreatment of Prisoners/Suspects**
Prisoners and suspects shall be treated in a fair and humane manner.
- RR-311 Deleted 10/2008**
- RR-311.1 Compromising Criminal Cases**
Officers shall not become involved in making any promises or arrangements between a suspect and his/her victim intended to permit the offender to escape the full penalty provided by the law. Nothing herein shall limit or restrain an officer from the reasonable exercise of discretion in the resolution of minor complaints.
- RR-311.2 Interference with Prosecution**
Officers shall not interfere with the courts or, for personal gain or benefit, use their official positions to make any arrangements for any suspect to escape prosecution.
- RR-312 Deleted 10/2008**
- RR-312.1 Interfering with Case Assigned to Other Officers**
Officers shall not interfere with any case assigned to another officer. Nor shall any officer interfere with the operation of any other division, bureau, section, or unit of the Department; other government agency; or any lawful private business.
- RR-312.2 Interfering with Internal Investigation/Questioning**
An officer shall not engage in conduct or have direct or indirect contact with any witness, complainant, or investigator which is intended to obstruct, compromise, or interfere with an internal investigation, regardless of which Denver Police or authorized city entity initiated or is conducting the investigation.
- RR-312.3 Failure to Provide a Statement**
Once ordered to do so, officers are required to provide a complete and truthful statement to any authorized Internal Affairs officer, supervisor, commander, representative of the Internal Affairs Division, the Executive Director of Safety's EEO Coordinator, or anyone else to whom the Executive Director of Safety has delegated the authority to compel statements.
- RR-313 Deleted 10/2008**
- RR-314 Providing Assistance Outside the City**
Officers shall not go outside the jurisdiction of the City and County of Denver during their regular duty shift except:
- a. in cases of fresh pursuit;
 - b. when sent by proper authority;
 - c. when there appears to be an emergency or need for assistance; or
 - d. when authorized to do so by a supervisory officer.

RR-400 FIREARMS

RR-401 Display of Firearms

Officers shall not unnecessarily draw or display any firearm.

RR-402 Careless Handling of Firearms or Less Lethal Weapons

Officers shall not carelessly handle a firearm or less lethal weapon at any time.

RR-403 Restrictions on Auxiliary Weapons

Officers shall not carry auxiliary weapons, either on their person or in vehicles, without the approval of a commanding officer.

RR-500 COURT

RR-501 Personal Appearance in Court

Officers appearing in court as witnesses or for any other reason shall appear in the regulation uniform or acceptable business attire with dress shirt and tie.

RR-502 Attendance In Court (Scheduled Discipline)

All officers who receive subpoenas shall make proper return on each and will be held strictly accountable for appearance on a punctual basis. Officers unable to attend court, or those who expect to be late, must notify the Court Liaison Office.

RR-600 REPORTS, COMMUNICATIONS, EVIDENCE, AND DISCOVERY

RR-601 Deleted 10/2008

RR-601.1 Communication of Confidential Information, Generally

Members shall not impart official information of a confidential nature to anyone, except to those for whom it is intended, as directed by their commanding officer, or under due process of law. They shall not reveal to any private person the identity of an informant or any individual who has provided information upon the condition of anonymity.

RR-601.2 Communication of Confidential Information that Jeopardizes a Police Action

Officers shall not communicate, except to authorized persons, information which may jeopardize an arrest, police action, or investigation or which may aid a person to escape or attempt to escape.

RR-602 Deleted 10/2008

RR-603 Destruction of Evidence

Officers shall not recklessly or negligently destroy or remove evidence, nor shall officers intentionally destroy or remove evidence, except as legally permissible.

RR-604 Deleted 10/2008

RR-605 Removal of Reports and Records

Officers shall not, without proper authority, remove Department reports or records from the division or bureau where they are maintained.

RR-606 Destruction of Reports or Records

Officers shall not except on the order of the Chief of Police, destroy or permanently remove from its file any Departmental report or record.

RR-607 Failure to Make, File, or Complete Official Reports

Officers shall not fail to make, file, or complete required reports and records. Members shall make reports promptly, accurately, and completely in conformity with specifications of the Department. Members shall make all necessary reports before going off duty unless a supervisor/commander authorizes the delay.

RR-608 Deleted 10/2008

RR-609 Altering Information on Official Documents

Officers shall not unnecessarily change, alter, or otherwise distort the information on any official document.

- RR-610 Deleted 10/2008**
- RR-611 Deleted 10/2008**
- RR-612 Answer to Official Communications**
All official communications, telegrams, circulars, and other correspondence sent out from this Department shall conform to the format prescribed by the Chief of Police.
- RR-613 Unauthorized Use of Department Letterheads**
Officers shall not use Police Department letterheads except for authorized Departmental correspondence.
- RR-614 Publication of Articles**
Articles prepared for publication in which the member identifies themselves as a DPD member must be submitted in their entirety to the Chief of Police for approval prior to publication and be in the best interest of the Department. Materials obtained or created during a member's official duties remain the property of the Denver Police Department. Members must articulate the intended purpose and obtain prior approval from the Chief of Police before using any Department materials such as photos, videos, audio recordings, reports, badge images, and photos of department personnel, equipment, or buildings for training or publication purposes. Articles include, but are not limited to, items published in books, magazines, newspapers, and other periodicals as well as items posted in electronic sharing sites such as blogs, Facebook, MySpace, Twitter, or other similar online journals or news sites.
- RR-615 Deleted 10/2008**
- RR-616 Police Bulletin**
Members of the Classified Service shall familiarize themselves with the information printed in the Police Bulletin.
- RR-617 Compliance with Discovery Requirements**
Officers shall document and protect all information and evidence gathered and collected during any arrest or criminal investigation. Members shall provide all files, books, papers, documents, photographs, audio and video recordings, and tangible objects collected and created as part of an arrest or criminal investigation, to the investigative case file or Property Management Section under the assigned general offense (GO) number.

RR-700 POLITICAL ACTIVITIES

- RR-701 Deleted 10/2008**
- RR-702 Using Police Position to Gain Political Office**
Officers, while seeking or holding political office shall not appear in that capacity in the Denver Police uniform or use their positions as police officers to gain political office or carry out the duties thereof.
- RR-703 Soliciting Money for Political Purposes**
Officers shall not solicit money or other things for political purposes while in uniform or on duty or in any room or building occupied for the discharge of official police duties.
- RR-704 Soliciting for Promotion, Appointment**
Officers shall not solicit petitions for promotions, appointments, or change of duty, or promote any political influence to effect such an end for themselves or any other member of the Department.
- RR-705 Deleted 10/2008**
- RR-706 Deleted 10/2008**

RR-800 UNIFORMS AND EQUIPMENT

RR-801 Deleted 10/2008

RR-802 Uniform Restrictions While Off Duty

Off duty officers are restricted in the use of their uniforms as follows:

- a. They may wear their full uniform in going to and from work.
- b. When wearing civilian headgear or when bareheaded and wearing partial uniform, officers shall wear a civilian coat as their outermost garment.
- c. No civilian attire shall be worn with the uniform cap or helmet.

RR-803 Uniform Restrictions for Officers Under Suspension

The uniform shall not be worn while an officer is under suspension.

RR-804 Exercise of Authority While Under Suspension

Officers shall not exercise police authority while under suspension.

RR-805 Equipment Carried on Person

Officers shall carry their badge and I.D. Card and be armed at all times, except as provided by the Operations Manual.

RR-806.1 Alteration of Badge Prohibited

The badge shall not be altered, exchanged, or transferred except by order of the Chief of Police. Members shall not use another member's badge or official police credentials without permission of the Chief of Police.

RR-806.2 Use of Badge by Person other than an Officer

Officers shall not permit any person not appointed a member of the Police Department to use an official badge or credential at any time.

RR-807 Loss or Damage to Badge

When a member's badge is lost or damaged, that member shall report the loss or damage through channels in writing to the Chief of Police. The cost of replacement or repair will be charged to the member unless he/she can show that such loss or damage was not incurred through personal negligence.

RR-808 Equipment and Property Restrictions on Use

Officers are prohibited from using Police Department property or vehicles in the conduct of their own personal or private affairs without approval of a Commander or the Chief of Police.

RR-809 Rough or Careless Handling of City, Departmental or Outside Agency Property

(Scheduled Discipline as it relates to Preventable Accidents)

Members shall use care in handling City, Departmental or outside agency property and shall report immediately any that is lost, damaged, or in bad order.

RR-900 VEHICLE OPERATION

RR-901 Deleted 10/2008

RR-902 Department Vehicle Operation

Officers shall not allow any non-member of the Classified Service to operate any vehicle of this Department without permission of their commanding officer.

RR-1000 CIVIL CASES

RR-1001 Testifying in Civil Cases

Officers shall not testify in civil cases unless legally summoned.

RR-1002 Service of Civil Process

Officers shall not serve civil process except those initiated by the City or as required by the Colorado Revised Statutes and specifically authorized by Departmental procedure.

RR-1003 Initiation of Civil Cases
Officers shall not initiate civil action arising out of their official duties without first notifying the Chief of Police.

RR-1004 Testifying for Defendant
Any member subpoenaed to testify for the defense in any trial or against the City of Denver or interest of the Department in any hearing or trial shall forthwith notify his/her commanding officer, district or city attorney, and Civil Liability, as necessary.

RR-1100 LEAVE, SICKNESS AND INJURY

RR-1101 Reporting Absence Prior to Roll Call
Officers shall report for duty at the time and place specified and in the attire and with the equipment specified by Departmental orders or a supervisory officer, unless absence is authorized by their supervisory officer.

RR-1102 Reporting for Duty
Unless otherwise excused, officers shall report for duty when scheduled or, when off duty, immediately upon receipt of order to do so.

RR-1103 Constructive Resignation
Failure to report for duty within five (5) days following the expiration of a leave of absence without just cause or being absent without leave for a period of five (5) days without just cause shall be construed as a constructive resignation as provided in the Civil Service Rules.

RR-1104 Location When Ill
Officers who are absent from duty and using sick leave time shall be required to keep their commanders informed of their locations and be available by phone or in person at those locations.

RR-1105 Reporting During Illness or Injury
Officers shall not fail, while off duty due to illness or injury except while hospitalized, to contact their unit commander at three-day intervals to report condition and progress of recovery, unless the reporting is excused by their commanding officer.

RR-1106 Feigning Illness or Injury
Officers shall not feign illness or injury in an effort to avoid duty.

RR-1107 Physical or Mental Examination
Officers who have been ordered to submit to physical or mental examination shall do so in accordance with the directions of the Chief of Police.

RR-1108 Release of Medical Information
All officers shall authorize their attending physician to release to their unit commander and the Chief of Police information regarding their condition and ability to perform certain duties.

RR-1109 Deleted 10/2008

RR-1200 P.O.S.T. Certification of Officers

RR-1201 P.O.S.T. Certification Required
All officers of the Denver Police Department shall hold current certification by the Colorado Peace Officers Standards and Training Board. See C.R.S. §24-31-303 and §24-31-305. No officer shall commit an act that is defined by the P.O.S.T. Board as an offense that would disqualify the officer from maintaining his/her P.O.S.T. certification.

COLLECTIVE BARGAINING AGREEMENT
BETWEEN
CITY AND COUNTY OF DENVER
AND
DENVER POLICE PROTECTIVE ASSOCIATION
2018 – 2020

TABLE OF CONTENTS

PREAMBLE	1
ARTICLE 1 RECOGNITION	2
ARTICLE 2 DEFINITIONS.....	3
ARTICLE 3 [RESERVED]	
ARTICLE 4 ASSOCIATION RIGHTS	6
ARTICLE 5 CHECK OFF AND FAIR SHARE	8
ARTICLE 6 [RESERVED]	
ARTICLE 7 LABOR MANAGEMENT COMMITTEE	11
ARTICLE 8 SENIORITY	12
ARTICLE 9 VACATIONS	13
ARTICLE 10 SICK LEAVE	16
ARTICLE 11 HOLIDAYS	17
ARTICLE 12 BEREAVEMENT LEAVE	18
ARTICLE 13 MILITARY SERVICE LEAVE	19
ARTICLE 14 LEAVE OF ABSENCE	20
ARTICLE 15 NUMBER OF HOURS IN WORK PERIOD/DAYS OFF	21
ARTICLE 16 OVERTIME	22
ARTICLE 17 CALL BACK	24
ARTICLE 18 COURT TIME/JURY DUTY	25
ARTICLE 19 CHANGE OF SHIFT AND CANCELLATION OF DAYS OFF	26
ARTICLE 20 EQUIPMENT ALLOWANCE	27
ARTICLE 21 WORK ASSIGNMENT IN HIGHER RANK	28

TABLE OF CONTENTS (continued)

ARTICLE 22	INJURY IN LINE OF DUTY.....	29
ARTICLE 23	FUNERAL EXPENSES.....	30
ARTICLE 24	LIFE INSURANCE.....	31
ARTICLE 25	HEALTH AND DENTAL INSURANCE.....	32
ARTICLE 26	DEATH AND DISABILITY CONTRIBUTION.....	34
ARTICLE 27	PAY RATES AND LONGEVITY.....	35
ARTICLE 28	PAY PERIODS	37
ARTICLE 29	RETIREE HEALTH.....	38
ARTICLE 30	GRIEVANCE AND ARBITRATION PROCEDURE.....	39
ARTICLE 31	SAVINGS CLAUSE.....	42
ARTICLE 32	GENERAL AND DURATION.....	43
ARTICLE 33	PAYMENT ON SEPARATION.....	44

PREAMBLE

This Contract entered into on this _____ day of _____, 2017 between the CITY AND COUNTY OF DENVER (hereinafter referred to as "City"), and the DENVER POLICE PROTECTIVE ASSOCIATION (hereinafter referred to as "the Association"), has as its purpose the establishment of a productive relationship between the City and the Association, and to set compensation and certain other conditions of employment as specified in § 9.8.3(B) and (D) of the Charter.

Article 1**RECOGNITION**

The City recognizes the Association as the sole and exclusive bargaining agent chosen by the members of the bargaining unit for purposes of negotiating subjects specified in § 9.8.3(B) and (D) of the Charter.

Article 2

DEFINITIONS

- 2.1 "City" means the City and County of Denver, Colorado.
- 2.2 "Association" means the Denver Police Protective Association.
- 2.3 "Bargaining agent" means the Denver Police Protective Association.
- 2.4 "Officer" means a member of the bargaining unit as defined below.
- 2.5 "Chief" means the Chief of Police of the City and County of Denver.
- 2.6 "Commission" means the Civil Service Commission of the City and County of Denver.
- 2.7 "Department" means the Police Department of the City and County of Denver.
- 2.8 "Rank" is defined by § 9.6.6 of the Charter.
- 2.9 "Bargaining Unit" means all officers in positions of the classified service of the Police Department of the City, except the Chief of Police, Deputy Chiefs, Division Chiefs and Commanders.
- 2.10 "Charter" means the Charter of the City and County of Denver.
- 2.11 "Executive Board" or "Board of Directors" means those seven members of the Association who are elected to serve as officers, directors or members of the Executive Board of the Denver Police Protective Association by the Association's membership.
- 2.12 "Base Pay" is the sum total of an officer's annual salary plus longevity as calculated in accordance with this Agreement. "Base Rate of Pay" is base pay divided by two thousand eighty (2,080) hours.
- 2.13 "Regular Rate of Pay" is the sum total of an officer's base pay, as defined in 2.12 above, plus any other regularly recurring remunerations the officer may be receiving under Article 27 of this Agreement, divided by two thousand eighty (2,080) hours.
- 2.14 "Hourly Rate" is the annual salary for a given rank, divided by two thousand eighty (2,080) hours.
- 2.15 "Accrued Time" is the sum total of an officer's vacation time, saved vacation time, saved holiday time, compensatory time and/or birthday leave time under this Agreement.

Reference to the male gender throughout this Agreement shall include references to the female gender and vice versa.

Article 4

ASSOCIATION RIGHTS

4.1 When the Chief or his designee has granted prior approval, Association officials or representatives shall be allowed time away from their assigned duty station in order to conduct Association business. Nothing herein shall limit the discretion of the Chief or his designee in approving such time off.

4.2 Bulletin Boards

The Association may maintain one (1) secure bulletin board at each of the decentralized stations and other police facilities and two (2) secure bulletin boards at the Police Administration Building. The Chief or his designee will approve the location of such bulletin boards. All notices posted on these bulletin boards must first be approved by the Chief or a Deputy Chief before being posted. These boards may be used for the following notices:

4.2.1 Recreation and Social Affairs of the Association.

4.2.2 Association Meetings.

4.2.3 Association Elections.

4.2.4 Reports of Association Committees.

4.2.5 Information to police officers concerning their employment.

There shall be no postings regarding any political candidate or candidates, nor postings concerning any issues being considered as part of a federal, state or municipal election.

The bulletin boards will be paid for by the Association who shall also be responsible for their maintenance and security.

Subject to prior approval by the Chief or a Deputy Chief, not more than twice a month, or as the Chief may additionally allow, notices concerning matters related to scheduled meetings or affairs of the association or incidental to this Agreement may be sent to Association members via the Department's e-mail system in accordance with procedures determined by the Department. Notwithstanding the above, the Association's newsletter will not be distributed to Association members via the Department's email system.

4.3 Members of the Association's Executive Board may, at the discretion of the Chief or his/her designee, be permitted to speak at shift roll call meetings about Association business, and shall be permitted to address each Department recruit class for a period not to exceed two (2) hours concerning Association membership benefits.

4.4

In response to requests for information, the parties will provide information deemed reasonably necessary for purposes of preparing for negotiations and/or impasse or grievance arbitrations. Responses to requests for information shall be made within a reasonable period of time. Denial of any request for information or the response to any request for information shall not be subject to the grievance or arbitration procedures, but may be admissible in any subsequent impasse or grievance arbitration.

Article 5

CHECK OFF AND FAIR SHARE

- 5.1 Within thirty (30) days after the effective date of the commencement of this agreement or within thirty (30) days after being hired into the bargaining unit, and continuing thereafter on the last day of each calendar month, and as a condition of employment, any officer who is not an active member of the Association shall tender to the Association the officer's fair share of the cost of negotiating and administering this Agreement, including all costs germane to collective bargaining and/or to the collective bargaining process.
- 5.2 Any officer who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion, body or sect which has historically held conscientious objections to joining or financially supporting labor organizations shall not be required to financially support the Association as a condition of employment; except that as a condition of employment, such officer shall be required to pay, in lieu of fair share payment, sums equal to such fair share payment to one of the following nonreligious nonlabor organizations all of which are exempt from taxation under 26 U.S.C. § 501(c)(3): the Denver Police Officers Foundation, the Denver Police Protective Association Relief Fund, the AMC Cancer Research Center or the American Diabetes Association.
- 5.3 The City agrees to deduct the Association membership dues, assessments and fair share payments from the pay of such officers who individually request in writing that such deductions shall be made on a form agreeable to the City. The Association shall certify to the City the amount to be deducted. The written authorization for Association dues deduction and assessments or fair share payments shall remain in full force and effect until revoked in writing by the officer.
- 5.4 The payment to the Association will normally be made by the first day of the month after such deductions are made. If the City makes a good faith effort to meet this time frame, the Association agrees that it will not make any claim for damages, interest or other monetary compensation for the time the payment is not received. The Association agrees that it will indemnify and save the City harmless from all suits, actions, and claims against the City or persons acting on behalf of the City whether for damages, compensation or any combination thereof, arising out of the City's compliance with the terms of this Article. The Association shall reimburse the City for any and all reasonable costs and reasonable attorneys' fees arising out of the defense of any such action against the City. The City agrees to cooperate with the Association and its counsel concerning any such litigation.

5.5

The department will provide to the Association strength reports, assignment rosters, drop reports, and separation information on a monthly basis.

Article 7

LABOR MANAGEMENT COMMITTEE

- 7.1 The City and the Association agree to set up a Labor Management Committee which shall consist of three (3) representatives appointed by the Association President and three (3) representatives appointed by the Chief. If an issue is brought to either the City or the Association by another organization of police officers, a representative of that organization shall have the right to attend the meeting at which that issue is discussed.
- 7.2 The committee shall discuss matters of concern to either the Association or the Department which are not addressed in this Agreement and/or the procedures to be followed with respect to matters which are addressed in the Agreement, including matters and equipment relating to officer safety. Statements by committee members made during Labor Management meetings shall not be used as evidence or admissions in any proceeding between the parties. Issues presented to the committee shall be resolved within fifteen (15) days of the meeting at which the issue was discussed, or as mutually agreed by the parties. If the issue is not resolved within fifteen (15) days or at the time mutually agreed by the parties, or if the Association is not satisfied with the resolution, the issue may be raised with the Chief in a meeting to be scheduled as soon as practicable. Following such meeting, the issue will be resolved by the Chief, or in the Chief's absence, the Acting Chief, within twenty (20) days. Resolution may include notification of the need for further research and deliberation as necessary.
- 7.3 Unless otherwise agreed upon, the Labor Management Committee shall meet on a monthly basis at a time and place mutually agreed upon between the Chief's designee and the Association President. Either party may request additional meetings as needed, and such meetings will occur at a time and place mutually agreed upon by the Chief's designee and the Association President.
- 7.4 The Committee's discussion of an issue does not affect whether that issue is or is not a mandatory or permissive subject of bargaining.
- 7.5 The Chief shall arrange for Committee officers who are on duty to be released to attend such meetings. Committee officers who are off duty shall be compensated at their regular rate of pay for the amount of time actually spent at the meeting.

Article 8**SENIORITY**

Seniority shall be defined as the length of service in the Department within the officer's civil service rank following the officer's most recent appointment to that rank. When two (2) or more officers in the same rank were appointed on the same day, seniority shall be determined by their position on the certified promotional list for that rank. Time spent on authorized paid leave or military leaves of absence shall be included in length of service. If an officer who has been promoted reverts to a rank formerly held, the officer's seniority shall be the sum of the seniority earned in the promotional rank and in the rank to which the officer reverts.

Article 9

VACATIONS

- 9.1 Officers shall accrue vacation as follows:

<u>Length of Employment</u>	<u>Annual Leave Hours Accrued Each Year of Regular Time Worked</u>
1st through 4th year	112 hours
5th through 9th year	136 hours
10th through 14th year	144 hours
15th through 19th year	168 hours
20th through 24th year	184 hours
25th year and thereafter	200 hours

- 9.2 Vacation shall be accrued for each month of service, prorated on the above schedule.

- 9.3 Subject to the limitations of 9.3.1, vacation time must be used in the calendar year in which it is received except that an officer may carry over up to 144 hours of vacation time to be used subsequent to the time of accrual. Officers may, solely at the Chief's discretion, use their excess accrued vacation in increments of eight (8), ten (10) or twelve (12) hours dependent upon the officer's regularly scheduled duty shift.

- 9.3.1 Officers shall not be entitled to use accrued vacation time during the calendar year of their year of hire.

- 9.4 Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer's estate. Payment due under this article shall be made within sixty (60) days of the date of the officer's separation from the department or within sixty (60) days from the officer's death or the appointment of a personal representative on behalf of the officer's estate.

- 9.5 Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.

- 9.6 Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of the work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a

full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hours shifts shall use five (5) regular days off and officers working eight (8) hours shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer's period of vacation subject to the needs of the department and the Chief's discretion.

9.7 Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the commander.

9.8 Transfers after vacation voting:

a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.

b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.

9.9 In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen (15) days is available, the commanding officer shall post notice of such available time as soon as practicable following the date of availability until commencement. Such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.

9.10 Except in an emergency under procedures determined by the Chief, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.

9.11 The use of vacation time shall be voted by seniority as follows:

9.11.1 Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointed positions of detective, corporal and technician are not

civil service ranks. Division Chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. In the absence of a Division Chief, the Deputy Chief of the affected area of Operations or Administration may permit voting within individual units. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.

Article 10

SICK LEAVE

- 10.1 Each officer shall be allowed one hundred forty-four (144) hours of sick leave per year with full compensation at the officer's base rate of pay. The unused portion of such sick leave may be accumulated until the officer shall have a reserve of seven hundred twenty (720) hours of sick leave. At any time the accumulated reserve of sick leave shall exceed seven hundred twenty (720) hours, payment for the time in excess of seven hundred twenty (720) hours shall be made to the officer at the officer's base rate of pay, provided the Chief approves such payment; and if such payment is not so approved, the time in excess of seven hundred twenty hours shall be added to the officer's annual vacation. The maximum amount of accumulated sick leave to be compensated in any one year is one hundred forty-four (144) hours in excess of a seven hundred twenty (720) hour bank.
- 10.2 At the termination of an officer's term of service with the department, for any reason, the officer shall pursuant to Article 33 receive compensation in full at the officer's base rate of pay for all accumulated sick leave due the officer at the termination of service. Upon the death of an officer, the cash benefits attributable to the officer's accumulated sick leave shall be paid to the officer's surviving spouse or, if there be no surviving spouse, then the officer's surviving child or children or, if there be no surviving child or children, then to the officer's estate.
- 10.3 Sick leave may be used when an officer is incapacitated by sickness or injury; for medical, dental and optical examinations or treatment; and for the necessary care and attendance during sickness of a member of the officer's immediate family. For purposes of this Article 10.3, "immediate family" includes the officer's spouse, son, daughter, mother, father, grandparents, grandchildren, brother, sister, in-laws, or spousal equivalent as defined by the City.
- 10.4 Officers shall be provided Family and Medical Leave Act ("FMLA") leave consistent with the FMLA and its corresponding regulations. Officers shall use accrued paid leave in conjunction with any leave granted under the FMLA.
- 10.5 An officer may donate sick leave to the sick leave bank of another member of the bargaining unit. Any sick leave donated to another officer's sick leave bank shall be converted to the hourly rate of the donee.

Article 11

HOLIDAYS

- 11.1 The following are recognized and observed as holidays:

New Year's Day
Dr. Martin Luther King Day
Presidents Day
Cesar Chavez Day
Memorial Day
Independence Day
Labor Day
Thanksgiving
Veterans Day
Christmas Day
Officer's Birthday (to be taken off in accordance with procedures issued by the Chief)

- 11.2 In addition to his base pay, an officer shall be paid one and one-half times his base rate of pay for all regularly scheduled time actually worked on a holiday. If the number of hours worked on a holiday is less than eight, the balance of the time shall be paid in holiday straight pay to complete an eight-hour benefit.

- 11.3 If the day on which a holiday is observed falls on an officer's scheduled day off, the officer shall receive, in addition to the officer's base pay, pay for the holiday at the officer's base rate of pay.

- 11.4 At the discretion of the Chief and subject to the needs of the department, an officer may request eight (8) hours of time off in lieu of receiving pay for the recognized holiday under 11.2 or 11.3 and may save up to four (4) such holidays for a maximum of thirty-two (32) hours of holiday time which can be voted at the time of the vacation leave vote. When an officer requests and is granted eight (8) hours of time off in lieu of a specific holiday, he has no entitlement to either premium pay under 11.2 for work on the holiday or payment under 11.3 if the holiday as observed falls on the officer's scheduled day off.

Article 12**BEREAVEMENT LEAVE**

Upon proper notification to his commanding officer, an officer shall be granted forty (40) hours of paid leave of absence in the event of the death of the officer's husband, wife, mother, father, mother-in-law, father-in-law, stepfather, stepmother, child, stepchild, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, grandparent, grandchild, spousal equivalent as defined by the City, or other person within the officer's immediate household. On the occasion of the death of any other relative, including a relative by marriage, an officer shall be granted a one (1) day paid leave of absence. Bereavement leave pursuant to this Article may be taken in conjunction with the officer's regularly scheduled days off and/or previously scheduled leave time. Bereavement leave is to be taken in connection with matters related to the death.

Article 13

MILITARY SERVICE LEAVE

- 13.1 Officers who are absent from work for military service in one of the uniformed services and who are otherwise eligible under the Uniformed Services Employment and Reemployment Rights Act ("USERRA") shall be granted leaves of absence for such military service.
 - 13.1.1 Officers shall give the Department advance written or verbal notice of an absence due to military service.
 - 13.1.2 Officers shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120) hours, of paid military leave each calendar year.
 - 13.1.3 Any officer who remains in military service beyond the time for which paid military leave is allowed shall be placed on military leave without pay. However, an officer may elect to use any accrued vacation leave or compensatory time, in lieu of unpaid leave, for all or any portion of the officer's absence due to military service.
- 13.2 Officers absent on military leave for less than thirty-one (31) days are entitled to continued health and dental insurance coverage as provided by this Agreement. Officers who serve more than thirty (30) days in the military may elect continued health and dental insurance coverage for themselves and their dependents, at their own expense.
- 13.3 While on paid military leave, an officer's seniority and eligibility for pay increases and vacation and sick leave accrual shall not be affected. While on any unpaid military leave, an officer's seniority will not be affected.
- 13.4 During the term of this Agreement, officers shall receive military pay or benefits currently provided by D.R.M.C § 18-164 or, subsequent to the expiration of said ordinance, in accordance with and at the level provided to any Civil Service or Career Service employee in any ordinance subsequently enacted in lieu or, to replace, or to supplement D.R.M.C § 18-164. In the event D.R.M.C § 18-164 expires and is not subsequently re-enacted, the level of benefits therein contained shall continue during the term of this Agreement.

Article 14**LEAVE OF ABSENCE**

A leave of absence without pay of up to one (1) year may be granted by the Chief or his designee to an officer who has completed at least five (5) years of continuous service. Leave shall not be unreasonably denied. If the leave is denied, the reason for denial shall be provided to the officer in writing.

Article 15**NUMBER OF HOURS IN WORK PERIOD/DAYS OFF**

- 15.1 During each twenty-eight (28) day work period, the normal work cycle shall be one hundred sixty (160) hours, inclusive of authorized leave time. During each twenty-eight (28) day work period, each officer shall receive eight (8) days off, or the equivalent, depending on the officer's regularly scheduled duty shift.

- 15.2 In the event that the department adopts a fourteenth (14th) period during any calendar year, each officer shall receive an additional two (2) days off, or the equivalent, depending on the officer's regularly scheduled duty shift.

Article 16

OVERTIME

16.1 Pursuant to § 7(k) of the Fair Labor Standards Act (29 U.S.C. § 207(k)), a work period for officers of twenty-eight (28) days is established.

16.2 The overtime rate of pay shall be at time and one-half of the officer's regular rate of pay. Except as noted in section 16.3 below, all officers up to and including the rank of lieutenant shall be paid at the overtime rate for all hours worked in excess of their normal daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) hours in the work period. Captains shall be compensated for all hours worked in excess of their normal duty shift at their regular rate of pay, except as noted in section 16.3 below. For purposes of this article, the term "hours worked during a normal daily work shift" shall include all types of paid leave or time off except compensatory time. The parties expressly acknowledge that the time spent donning and doffing the uniform and safety gear required by the Department to be worn by officers does not constitute compensable work time under the FLSA or this Agreement.

All overtime worked, other than off-duty overtime specified in section 16.3 below, shall be compensated in either money or time off pursuant to this agreement, unless external funding sources dictate otherwise. All overtime work must be approved by the officer's supervisor prior to the work being performed. Time worked will be recorded pursuant to the Department's established record keeping procedures.

After working overtime, the officer will designate whether he wants to be compensated in money or time off. If the officer requests compensation in money, that request will be honored unless a supervisor, for reasonable cause, denies the request. Any such denial is subject to review through the chain of command and ultimately through the grievance procedure of the collective bargaining agreement. If the officer requests compensation in compensatory time off, said request shall be granted, absent extraordinary circumstances, until the officer achieves a bank of eighty (80) hours. If an officer has accumulated a bank of eighty (80) hours or more, then a request for further accrual of compensatory time off must be approved by the Chief or his designee.

Compensatory time for all non-Patrol Officers may be used within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the Department. Compensatory time for all Officers within the Patrol Division shall be in accordance with those practices more specifically set forth in a Settlement Agreement and Order Approving Settlement entered in a civil action entitled *Nick Rogers, et al v. City and County of Denver*, Civil

Action No. 07-CV 00541-RPM, dated January 31, 2012. Under all circumstances, pre-approved vacations take precedence over requests to use compensatory time.

16.3 Overtime in off-duty positions paid through the department shall be compensated as follows:

- a. Officers below the rank of sergeant working overtime in an off-duty position paid through the department shall be compensated at their overtime rate.
- b. Officers at or above the rank of sergeant working overtime in an off-duty position in a supervisory capacity paid through the department shall be compensated at their overtime rate.
- c. Unless otherwise approved by the Chief or his designee, officers at or above the rank of sergeant working overtime in an off-duty position in a non-supervisory capacity paid through the department shall be compensated at one and one-half times the hourly rate of pay of a detective with 25 years longevity.

16.4 Actual overtime worked is to be converted to the nearest 1/10th hour until such time as the Department has the ability to record and pay overtime to the minute. At that time, actual overtime worked will be calculated and paid to the minute.

16.5 Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative or enforcement duties.

Article 17

CALL BACK

- 17.1 Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and within two (2) hours of the officer's next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer's last regular shift and two (2) or more hours prior to the officer's next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer's discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer's work assignment begins.
- 17.2 An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.
- 17.3 Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer's last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid for two (2) hours at the officer's regular rate of pay or the actual time worked at the officer's regular rate of pay, whichever is greater.

Article 18

COURT TIME/JURY DUTY

18.1 Any officer up to and including the rank of Lieutenant who is off duty and is subpoenaed to testify concerning matters arising out of the performance of his or her assigned duties shall be paid at one and one-half times the officer's regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater, except:

- (1) Testimony commencing within two (2) hours prior to the officer's regularly scheduled shift will be viewed as continuous duty;
- (2) Testimony commencing when an officer is on duty and concluding when an officer is off duty will be viewed as continuous duty;
- (3) Officers who are on inactive duty because of a line of duty injury will receive no compensation for appearing in court; and
- (4) If an officer is using sick leave, the officer shall be compensated at his or her base rate of pay for time spent in court, without deduction of that time from his or her sick leave bank.

18.2 Any officer who is summoned to perform jury duty shall suffer no loss of pay or benefits for any and all time spent in the performance of such service or in response to such summons.

18.3 The parties agree that members of the bargaining unit subpoenaed to appear in court shall call into the police department within twenty-four (24) hours prior to the day of the required court appearance in order to determine whether the subpoena has been canceled. Should the employee fail to call the police department within the twenty-four (24) hour period and appear in court for a case which has been cancelled, no call back or overtime compensation shall be paid to the employee.

The twenty-four (24) hour time frame for the call into the police department shall be a window period of 5:00 p.m. to 12:00 a.m. (midnight) of the day preceding the required court appearance. The employee shall be paid court time if he or she calls within the required time period, is told to appear, and then the case is cancelled.

Article 19

CHANGE OF SHIFT AND CANCELLATION OF DAYS OFF

- 19.1 Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer's previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).
- 19.2 The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.
- 19.3 Except in an emergency under procedures determined by the Chief, anytime the posted schedule of days off is ordered changed by the commanding officer within seven (7) days of the date of an officer's scheduled day off, the officer(s) affected by the change shall receive four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted start time of a shift is changed within seventy-two (72) hours of the commencement of the shift, the officer(s) affected by the change shall receive two (2) hours of compensatory time. The determination of an emergency situation shall not be subject to grievance or arbitration.
- If an officer's scheduled day off is ordered changed by the commanding officer within seven (7) days of an officer's scheduled day off three or more times in the same twenty-eight (28) day work period, the officer will receive six (6) hours of compensatory time or pay at the officer's regular rate of pay for the third such change and any such changes thereafter during the same work period. If the posted start time of an officer's shift is changed within seventy-two (72) hours of the commencement of the officer's shift three or more times in the same twenty-eight (28) day work period, the officer shall receive four (4) hours of compensatory time for the third such change and any such changes thereafter during the same work period.
- 19.4 In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one-half (1½) times the officer's regular rate of pay for all hours worked on the officer's previously scheduled day off.

Article 20

EQUIPMENT ALLOWANCE

20.1 The City shall pay each officer an allowance of \$875 for the acquisition, maintenance and repair of equipment. This payment shall be made on or before November 30 of each year of the Agreement.

20.2 The items contained in Uniform Supply Directive Numbers 97-02, 97-13, 97-14, 97-17, 97-19, 97-20, 97-23, 97-24, 97-28 shall be provided by the City at the discretion of the Chief. There will be an opportunity for input by the Labor Management Committee before any change is implemented.

20.3 The "Colorado Peace Officers' Statutory Source Book" and the "Colorado Revised Statutes Pertaining to Criminal Law" published by the Colorado District Attorneys Council will be available for review and reference at each of the decentralized stations and other police facilities and the Police Administration Building.

20.4 VESTS

20.4.1 For each officer who graduates from the academy, the City will provide reimbursement of up to seven hundred fifty dollars (\$750) for the purchase of a protective vest.

20.4.2 All other officers shall be entitled to reimbursement of up to seven hundred fifty dollars (\$750) for the purchase of a protective vest on the fifth year anniversary of the prior reimbursement to the officer for the purchase of such vest. Reimbursement shall only be available with proof of purchase of a replacement vest of replacing the one for which reimbursement had previously been received, or a new vest if no reimbursement was previously made.

20.4.3 Notwithstanding the above and foregoing, if, at any time during the term of this Agreement, a protective vest previously issued by the City or a vest which was previously the subject of reimbursement by the City becomes unserviceable in accordance with the manufacturer's warranties, such vest shall be surrendered to the City and a replacement vest issued to the officer or a reimbursement made to the officer for the actual purchase of a replacement vest, up to seven hundred fifty dollars (\$750).

Article 21

WORK ASSIGNMENT IN HIGHER RANK

- 21.1 Any officer who, for more than one-half of the officer's regularly assigned shift is temporarily assigned by his supervisor to a rank higher than that which the officer currently holds and assumes the duties of that higher rank shall be compensated at the hourly rate of pay of the higher rank for the entire duty shift in which he or she is so assigned. If during the period of temporary assignment, the officer also works overtime as defined by Article 16 of this Agreement, the officer shall be paid overtime as provided by Article 16.
- 21.2 If the Chief or his designee assigns any Police Officer 1st Grade to perform the duties of a Technician, Detective or Corporal, then that officer will be compensated at the rate associated with that assignment for the entire period the officer is acting in that capacity. For purposes of calculating overtime under Article 16 of this Agreement, the acting pay provided by this Article 21.2 shall be considered the officer's "regular rate of pay" until such time as the officer is no longer working in an acting capacity. The acting pay provisions above shall not apply to detective training programs or limited duty assignments.

Article 22

INJURY IN LINE OF DUTY

- 22.1 Any officer who shall become injured in line of duty shall be provided when necessary with hospitalization, doctors, surgeons, nurses and medical care.
- 22.2 Any officer who shall become so physically or mentally disabled by reason of bodily injuries received in the discharge of the duties of the officer in the department that the officer is rendered unable to perform duties in the department, shall be granted any necessary leave of absence not to exceed 2080 hours at full salary for the rank which the officer holds in the department, and shall be compensated from the regular police department payroll.
- 22.3 Should such officer need additional leave of absence in excess of 2080 hours, the officer may use accumulated sick leave and should the officer still need additional leave of absence, the officer may be granted additional leave of absence at one-half of the salary for the rank the officer holds in the department, to be paid from the "pension and relief fund;" provided, however, that should such officer be eligible for retirement on a pension, the officer shall not be entitled to receive such additional disability leave, but instead shall be retired from active service at the expiration of the 2080 hours leave of absence and accumulated sick leave.
- 22.4 Compensation shall not be denied under this section because the injury was not received on the tour of duty to which the officer has been assigned, if it was received in the discharge of the duties of the officer and if the officer conducted himself in a legal manner and in compliance with rules and regulations governing the department.
- 22.5 Except as otherwise provided by statute, the Charter, or Article 22.3 above, when the City has admitted liability or accepted a workers' compensation claim, no officer shall be required to use accumulated sick leave for any line of duty injury or illness.

Article 23**FUNERAL EXPENSES**

In the event an officer is killed in the line of duty or dies from injuries sustained in the line of duty, the City shall pay the cost of reasonable funeral expenses up to a maximum of \$10,000.00, which amount shall be offset by any other payments for these purposes made by any other agency or organization.

Article 24**LIFE INSURANCE**

The City shall provide group life insurance coverage for each officer in an amount equal to one and one-half times the officer's base pay.

Article 25

HEALTH AND DENTAL INSURANCE

25.1 Health Insurance: The City shall offer health care plan options from no fewer than two (2) insurance providers, in addition to Denver Health, if coverage from Denver Health is offered. The amount of the City's contribution will depend on the plan selected by the officer. During the term of this Agreement, the City shall make the following contributions towards health insurance premiums:

Effective January 1, 2018, if the provider selected by the officer offers two plans, the City shall contribute 77.5% of the premiums if the officer selects the high premium plan; the City shall contribute 90% of the premiums if the officer selects the low premium plan. If the provider selected by the officer offers only one plan, the City shall contribute 90% of the premiums for that plan.

For the duration of this Agreement, if an officer selects a high deductible plan and has opened a Health Savings Account (HSA), the City will contribute six hundred dollars (\$600) annually to the officer's HSA if the officer has enrolled in an employee-only health plan; if the officer has enrolled in a multi-party plan, the City will contribute one thousand two hundred dollars (\$1,200) annually to the officer's HSA.

For high deductible plans: (1) the co-insurance will be shared between the provider and the employee on a minimum of an 80/20 split, (2) the deductibles for the plans will be no more than 10% above the federally mandated minimum, and (3) the maximum out-of-pocket cost for employees for network coverage shall not exceed \$4,000 for single coverage subscribers and \$7,000 for multi-party coverage subscribers.

If any of the health care plans offered by the City in 2017 are no longer offered, the City's premium contribution levels stated above shall apply to any replacement plan offered by the City and the benefit levels of any new plan shall be substantially similar to the plan it replaces.

25.2 Dental Insurance: The City shall offer dental insurance to officers. Regardless of plan selected by the officer, the City's level of contribution shall be equivalent to 80% of the premium costs of the mid-level dental plan offered to officers. In no event shall the City's contribution exceed the actual cost of coverage as determined by the provider. The mid-level dental plan offered to officers shall be substantially similar to the current Delta Dental EPO plan.

25.3 This Article shall not be administered in any manner that would be in conflict with or violate the terms and conditions of any contracts between the City and health and dental insurance providers.

25.4

The Association will substantially participate with the City in the development of health and dental plans to be offered to officers. The Association will have the opportunity to comment and make recommendations on proposals before health and dental plans are offered to officers. In addition, a member of the Association chosen by the Association shall be appointed by the Mayor to the Employee Health Insurance Committee.

Article 26

DEATH AND DISABILITY CONTRIBUTION

26.1

During the term of this Agreement the City shall pay the state mandated contribution for death and disability coverage pursuant to C.R.S. § 31-31-811(4) for all officers hired on or after January 1, 1997.

Article 27**PAY RATES AND LONGEVITY**

27.1.1 Effective January 1, 2018, the annual salary for officers will be as follows:

Police Officer Recruit	\$55,000
Police Officer 4th grade	\$59,547
Police Officer 3rd grade	\$65,908
Police Officer 2nd grade	\$70,564
Police Officer 1st grade	\$88,767
Technician	\$94,712
Detective	\$97,737
Corporal	\$97,737
Sergeant	\$106,127
Lieutenant	\$121,711
Captain	\$137,102

27.1.2 Effective January 1, 2019, the annual salary for officers will be as follows:

Police Officer Recruit	\$56,788
Police Officer 4th grade	\$61,482
Police Officer 3rd grade	\$68,050
Police Officer 2nd grade	\$72,858
Police Officer 1st grade	\$91,652
Technician	\$97,790
Detective	\$100,914
Corporal	\$100,914
Sergeant	\$109,576
Lieutenant	\$125,666
Captain	\$141,558

27.1.3 Effective January 1, 2020, the annual salary for officers will be as follows:

Police Officer Recruit	\$58,633
Police Officer 4th grade	\$63,480
Police Officer 3rd grade	\$70,261
Police Officer 2nd grade	\$75,225
Police Officer 1st grade	\$94,630
Technician	\$100,968
Detective	\$104,193
Corporal	\$104,193
Sergeant	\$113,137
Lieutenant	\$129,751
Captain	\$146,159

27.2 LONGEVITY

All officers, upon reaching their fifth (5th) anniversary date of employment, shall be paid longevity pay. Officers entitled to longevity pay shall be paid at the rate of twelve dollars (\$12.00) per month for each year of service. The effective date of longevity pay increases shall be the first Sunday following the officer's anniversary date.

27.3 Officers assigned to the following assignments shall, in addition to the pay rates above, receive the following:

- 27.3.1 Bomb technician: \$150 per month
- 27.3.2 Motorcycle: \$150 per month for officers certified and assigned as motorcycle officers
- 27.3.3 Helicopter chief pilot: \$525 per month
- 27.3.4 Helicopter pilot: \$375 per month
- 27.3.5 Canine handler: Officers assigned as canine handlers shall receive, in addition to their annual salary, eight (8) hours of compensatory time and eight (8) hours of additional pay per work period.
- 27.3.6 Bilingual officers: Officers who are certified and designated as bilingual officers in accordance with procedures published by the Chief or the Chief's designee: one hundred dollars (\$100) per month. Additionally, officers who are certified with advanced levels of expertise may be paid up to a total of \$200 per month in accordance with published standards and procedures.

27.4 ON CALL

Procedures will be established by the Chief to insure officers placed on call will be compensated for all time spent handling phone calls while off duty. Each call will be logged on a log sheet and approved by the officer's commander at the end of every work period. The officer will be compensated at their overtime rate of pay in either time off or overtime pay. If an officer in on call status is called back to work by an authorized supervisor, the officer will no longer be in on call status and will be compensated in accordance with Article 17 of this Agreement.

Article 28

PAY PERIODS

- 28.1 Officers shall be paid on a biweekly basis, on alternating Fridays. Whenever a payday falls on a recognized holiday specified in Article 11, payment of salaries shall be made on the preceding business day.

Article 29

RETIREE HEALTH

- 29.1 Subject to annual appropriation, during each year of this Agreement the City will make annual contributions to the Denver Police Retiree Health Fund ("Trust") which has been established for the sole purpose of providing some assistance with the payment of health insurance premiums for officers who retire on or after January 1, 1996. In 2018, the City's annual contribution shall be \$955,000; in 2019, the City's annual contribution shall be \$1,077,500; and in 2020, the City's annual contribution shall be \$1,200,000. Quarterly payments to the Trust by the City will be made on January 10, April 10, July 10 and October 10 of each year.
- 29.2 The Association shall provide the City with financial reports of the Trust on a quarterly basis. The Association shall also notify the City of any changes to the Articles of Incorporation, governing by-laws or terms of administration of the Trust for approval, to ensure that the Trust is being administered consistently with the intended purpose of this Article.

Article 30

GRIEVANCE AND ARBITRATION PROCEDURES

- 30.1 A grievance is a claim that the City has violated an express provision of this Contract, and does not include any disciplinary matters.
- 30.2 Any officer or group of officers or the Association may discuss any matter with their Division Chief, Deputy Chief or the Chief, without invoking the formal grievance procedure provided for in this Article. No agreements reached in such informal discussion shall be binding on the Association or any other officer nor shall they be binding on the City or officer raising the issue except for the specific incident which led to the discussion.
- 30.3 Neither the City nor the Association shall threaten or coerce any officer for filing a grievance under this Contract.
- 30.4 All grievances shall be settled in the following manner:

Step 1. A grievance must be initiated by either an aggrieved officer or by the Association on behalf of one or more member(s) of the bargaining unit. The grievant must reduce the grievance to writing and present the written grievance to the Deputy Chief within thirty (30) calendar days after the grievant knew or should have known of the facts which gave rise to the grievance. The written grievance must contain (a) a statement of the grievance and the facts upon which it is based; (b) the specific section(s) of the Contract allegedly violated; and (c) the remedy or adjustment sought. In addition, if the grievance is initiated by the Association, the written grievance shall identify the name of the member(s) on whose behalf the Association is filing the grievance. The Deputy Chief shall hold a meeting with the grievant within ten (10) calendar days from the receipt of the grievance and shall within ten (10) calendar days from the date of such meeting issue a written response to the grievant and the Association. The Association shall be given notice of the meeting and shall have the right to attend if it so chooses.

Step 2. If the grievance is not resolved at Step 1, the grievant shall have fifteen (15) calendar days from the issuance of the Step 1 denial to present the grievance to the Chief. Within fifteen (15) calendar days of receipt of the grievance at Step 2, the Chief shall hold a meeting with the grievant and representative(s) of the Association. Within fifteen (15) calendar days of such meeting the Chief shall issue

a response in writing to the grievant and Association.

Step 3. If the grievance is not resolved at Step 2, the Association may demand arbitration. Any demand for arbitration must be in writing and received by the official designated by the City within fifteen (15) calendar days of the Association's receipt of the Step 2 denial.

- a. The parties shall obtain a panel of seven Western States Region arbitrators from the Federal Mediation and Conciliation Service. The Grievance Arbitrator shall be selected by a method of alternative striking of names from the panel, with the first strike determined by the flip of a coin. The final name left on the panel shall serve as the Grievance Arbitrator.
- b. The Grievance Arbitrator shall have the authority to hold hearings and make procedural rules.
- c. The award of the Grievance Arbitrator shall be final and binding on the City and the Association. The Grievance Arbitrator shall have no authority to add to, subtract from, alter or modify any terms of this Contract.
- d. The award of the Grievance Arbitrator shall be rendered within thirty (30) days of the closing of hearing or the submission of briefs following hearing, whichever is later. The costs of any arbitration shall be borne equally by the parties to this Contract.
- e. Either party may request a certified court reporter to take a stenographic record of the evidence taken at the arbitration hearing. If such a stenographic record is taken, a copy of the transcript shall be provided to the Grievance Arbitrator. The party requesting a stenographic record shall pay the cost thereof, except that if the other party shall request a copy of any transcript, the parties shall share equally the entire cost of making the stenographic record.

30.5 If the grievant or Association fails to comply with any time limit set forth in this Article, the grievance shall be deemed forfeited. If the City fails to comply with any time limit set forth in this Article, the grievance shall be deemed denied as of the last day of the time limit and may be moved to the next step within the time frames set forth in that step.

- 30.6 The following matters are not subject to the grievance procedures of this Contract: Any matter covered by the Charter of the City and County of Denver, the Rules and Regulations of the Department not inconsistent with the express terms of this Contract, and the Operations Manual of the Department not inconsistent with the express terms of this Contract, the Rules and Regulations of the Civil Service Commission of the City and County of Denver adopted pursuant to its authority, City Ordinances, Statutes and Constitutional provisions.
- 30.7 The time limits for processing grievances as set forth in this Article may be extended by agreement between the Chief or a designee of the Chief and a representative of the Association. Any such agreements shall be memorialized in writing. If the last day of any time limits set forth in this Article occurs on a Saturday, Sunday or holiday, the limit shall be automatically extended to the next calendar day which is not a Saturday, Sunday or holiday.
- 30.8 Any grievance which impacts more than one officer can be filed by the Association directly at Step 2 within fifteen (15) days of when the grievant or the Association knew or should have known the events giving rise to the grievance.

Article 31**SAVINGS CLAUSE**

Should any section or portion thereof of this contract be held unlawful and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and the remaining parts or portions of the contract shall remain in full force and effect. Upon the issuance of such a decision, the parties agree immediately to commence negotiations for a substitute for the invalidated section or portion thereof.

Article 32

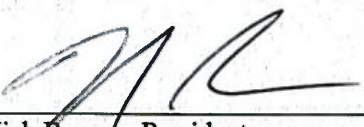
GENERAL AND DURATION

- 32.1 The Association is not bound by any agreements or understandings that the City might make with any officer(s) or any other organization of officers unless such agreements or understandings are specifically stated in this Contract.
- 32.2 This contract shall be effective as of January 1, 2018 through December 31, 2020 and its terms shall remain in full force and effect until a new contract is effective.

Article 33**PAYMENT ON SEPARATION**

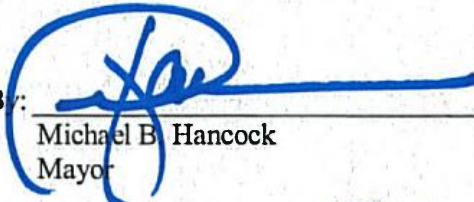
Payments due pursuant to the terms of this Agreement for all accrued and unused leave and compensatory time shall be payable within sixty (60) days of an officer's separation from the Department, at the officer's base rate of pay at the time of separation.

**DENVER POLICE PROTECTIVE
ASSOCIATION**

By: 
Nick Rogers, President

By: 
Tyson Worrell, Secretary

CITY AND COUNTY OF DENVER

By: 
Michael B. Hancock
Mayor

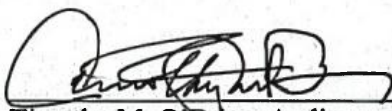
ATTEST:




Debra Johnson, Clerk & Recorder

REGISTERED AND COUNTERSIGNED:


Brendan Hanlon, Chief Financial Officer

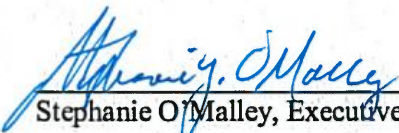

Timothy M. O'Brien, Auditor

APPROVED AS TO FORM:

Kristin M. Bronson, City Attorney
City and County of Denver

By: 

RECOMMENDED AND APPROVED:


Stephanie O'Malley, Executive Director of Safety